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FOUNDED 1887

TO ENCOURAGE THE STUDY AND ADVANCE THE KNOWLEDGE
OF THE HISTORY OF ENGLISH LAW.

1932

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Select Cases concerning the Law Merchant

VOL. III.

Selden Society

SELECT CASES CONCERNING THE LAW MERCHANT

A.D. 1251-1779

VOL. III SUPPLEMENTARY CENTRAL COURTS

EDITED
FOR THE SELDEN SOCIETY
BY
HUBERT HALL, Litt.D.(Camb.), F.S.A.

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PREFACE.

WITH the publication of a Third Volume, this edition of 'Select Cases concerning the Law Merchant,' planned by the late Charles Gross nearly thirty years ago, is at last completed. In his Preface to the Second Volume the present editor has referred to the circumstances in which he undertook to carry out Professor Gross's plan, which seemed to contemplate a collection of Law Merchant cases from the Plea Rolls of the Central Courts at Westminster, to follow the Select Cases from pleas before Local Courts which were printed in the First Volume, edited by Gross himself and published in 1907.

The addition of a Third Volume was suggested by the present editor, and was recommended to the Council by the Literary Director, the intention being to supplement the selections made from the records of the Central and Local Courts by collections of records illustrating, respectively, the origin and course of procedure under the Statutes of Merchants and Ordinance of the Staple, and the Commissions, Assizes, and Inquisitions for hearing and determining special matters connected with the welfare of merchants by protection of their merchandise in English or foreign ports, and the regulation of the merchandising in markets and fairs.

From these sources more than 150 cases or documents have been printed or summarized in Volume III, making (with 100 printed in Volume II and 50 in Volume I¹) some 300 cases or documents relating directly or indirectly to the subject of the Law Merchant.

The present editor's share in the discovery, co-ordination and description of these documents must represent the chief part of his contribution to the history of the Law Merchant in the last two volumes of this edition, and it goes without saying that such references as he has ventured to make to the legal history or theory of the period are without prejudice to the value and use of the documents themselves.

Some further acknowledgement of assistance in connexion with the production of a section of the present volume has been made in the

¹ The sources included in this volume represent more extensive series of documents such as the St. Ives' Fair Rolls and the Court Rolls of Staple towns.

Introduction, and it remains for the editor to express once more his gratitude to the Record Officers and their library staff, and to the Archivists of the British Museum and Guildhall for courteous and friendly help. Finally, gratitude is equally due to the Literary Director and to the Secretary of the Selden Society, to whose patience, scholarly interest, and wise counsel, backed by the skilful efforts and resourceful methods of the printers, the completion of this belated work is due.

Reference has been made elsewhere in the present volume to the importance of the forthcoming volume of the City of London Plea Rolls for the study of the Law Merchant procedure. The present editor has also been unable to avail himself of the valuable and original researches of Dr. M. M. Postan on 'Private Financial Instruments in Medieval England' in *Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte* (xxiii. I.) ; but in this, as in the case of the City of London Plea Rolls, the subject was outside the scope of this work.

H. H.

November 1931.

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INTRODUCTION.

Method of Selection.

REFERENCE was made in the previous volume¹ to the plan of the succeeding and final volume of this edition, which was to contain some supplementary cases concerning two aspects of the Law Merchant hitherto somewhat neglected, owing to the difficulty of making an adequate study of the sources. Select cases illustrating various forms of pleading on Statutes Merchant and Statutes Staple have been printed in the first part of the present volume,² while further cases have been selected as specimens of the conventional procedure for a 'recognizance in the nature of a Statute Staple' from 1532 to 1775, when this device was superseded by another system of licensed usury, the Annuity, reverting to the 'merry bond' of earlier times.³ Other cases have been selected from the 'Special Assize Rolls' (without inroaching on the fertile and well governed province of Professor Bertha Putnam) or from some other Plea Rolls, and they have been printed in the second part of this volume.⁴

These supplementary cases have been considerably augmented by some miscellaneous texts and notes contained in Appendices⁵ to the respective parts just mentioned, with a view to elucidating various passages in the texts of both parts; while further documents and notes will be found in an Appendix to the Introduction.⁶ This arrangement resembles that adopted in the previous volume, and it has at least the advantage of letting the documents speak for themselves. Indeed this may seem all the more desirable in presenting texts derived from collections which are practically unexplored and also very imperfect.

In particular, the records relating to the procedure of taking, certifying and executing statutory or official recognizances remained inadequately arranged and described in municipal and state archives alike down to recent times, with the result that some misconceptions or misstatements of their nature and use may be found in the classification and description of these documents. The imperfect

¹ *Law Merchant*, vol. ii, pp. x, xi.

³ Below, pp. 124-132.

⁵ Pp. 92-135 and pp. 170-184.

² P. 1 sq.

⁴ P. 136 sq.

⁶ P. liii sq.

attempt that has been made in the following pages to overcome some of the difficulties resulting from the usual neglect or indifference of earlier archivists (in the case of judicial records which were no longer useful for official reference) was assisted by two former students¹ who many years ago successively explored the earlier history and procedure of the Statute Merchant and Statute Staple registries. These pioneers abandoned the enterprise in favour of more accessible subjects of research, but the editor is indebted to them for much of the material that has been digested in the Appendix to this Introduction, and he hopes that further details collected through their industry may be deposited in academic custody for the information of other students.

It must not, however, be supposed that, apart from its archival exposition, the institutional and legal history of the subject has been neglected or mishandled by competent writers. Earlier lexicographers and antiquaries were, of course, familiar with the actual procedure of the statutory registries which from time to time figure prominently in the Law Reports and Year Books. Here and there, indeed, we may be tempted to wonder whether the King's justices or the jurors who had been made to come before them were always well informed respecting certain facts that could only be ascertained by an intelligent method of inquiry 'according to the law merchant.' This attitude, however, is not altogether surprising since the courts of common law had found it necessary to secure exemption from the provisions of the statutes of merchants which, in regard of the niceties of diplomatic intercourse and the avowed celerity of the official procedure enjoined thereby, positively reeked of the law merchant. In any case the reservation was scarcely necessary, and any seeming ignorance or hostility of bench or bar may probably be imputed to the professional caution that could impress eager students more favourably than an impatient King who frankly marvelled at such 'quibbling'—and passed on.

Possibly the professional as well as the constitutional situation was eased by the rapid decline of the Statute Merchant procedure in the face of the resolute competition of the Statute Staple seventy years later, for the Staplers were a close and recognized fraternity of merchants, graziers, yeomen, and country gentlemen at large, with a definite and summary jurisdiction that simplified matters for the courts above. In the next century we find Sir John Paston replying to his kinsman at the sign of the 'George,' S. Paul's Wharf, that in his opinion it is rash to let one's self be bound in 500 marks for a marriage portion; and in any case it will be hard to raise so much in the family, whose money is

¹ Mr. Harold Holloway, M.A., of the London School of Economics, and Mr. J. F. Nichols, M.A., Ph.D., of King's College.

in the hands of the Staplers, who are always 'slack payers'; yet he has drawn a bond as desired.¹

This view is supported by the interesting manifesto attributed to a Stapler of an earlier generation in Palgrave's mediæval romance.²

' . . . Since the passing of the Statute of the Staple, we merehants can do our business with much less money. The introduction of the Bills of the Staple hath given new life to all our trade. By such a Bill, which bestows upon the ereditor the right, should the debtor fail in payment, to seize all his lands, his goods, his chattels, we merchants with prudence and good management, deal with our stock ten times over. Is not a penny four times paid as good as a groat? Let me have the Staple Bill, and with one hundred nobles in my cash ehest, I can do business to the same amount as if I had a thousand. It is a treasure which defies the thief, for to him the parchement is as useless as an old song. It only grieves me,' continued Master Canning, 'that the Crown inevitably loses thereby, for when a letter of eredencee issueth, by which the King condescends to ask us merchants for a small loan of money in proportion to our means, and we are called upon to declare our substance, it would be against sound principle were we to bring into the valuation a Staple Bill, a *chose in action*, which is not taxable by the law.'

It is true that this gasconade does not help us to solve some problems which emerge from the pleadings on statutory recognizances before the justices; nor could we obtain full satisfaction from a perusal of the printed texts referred to in the Lists of Statutes, Rolls of Parliament and Year Books printed below,³ or of more than a small portion of the List of general and special authorities which follows these.⁴ But the last-mentioned list does contain the titles of works which should enable the reader to follow the ordinary procedure in cases certified to the Chancery and transmitted thence to the King's court; also in cases where some special matter is counted or pleaded, such as *Elegit*, Contempt, Conspiracy, Deceit, Forgery, Escape, Minority, Clergy, Duress and other titles that appear in the record publications and academies cited above and in some modern text-books.⁵

All these topics and many others are duly noted in the 'Abridgement' and text-books referred to, and some of them will be mentioned presently in connexion with the relevant cases which are printed below. It must be remembered, however, that the Edwardian statutory recognizances did not supersede the existing system of enrolling obligations for the repayment of trade debts or loans. Such instruments

¹ Paston Letters (ed. Gairdner), vol. iii, p. 166.

² *Collected Works of Sir F. Palgrave*, vol. viii, p. 255. Conceivably such 'Bills' could be negotiated or discounted (cf. *Econ. Hist. Rev.* III. 2).

³ Pp. 185-191.

⁴ Pp. 192-207.

⁵ Among the text-books referred to, the editor is specially indebted to those which appear under the names of Sir W. H. Holdsworth, Professor Plucknett, Professor Jenks, Professor Hazeltine, Dr. McKechnie, J. Jacobs, and Mrs. O. S. Watkins.

are continuously enrolled in the Close Rolls of the Chancery as well as in the Plea Rolls and Miscellaneous Books of the Exchequer,¹ King's Bench and Common Pleas. In the Close Roll of 1328 (March), the Chancery being then at York, will be found an entry as to the enrolment of a grant of lands, extended at 167*l*. (under a recognizance made in the Chancery), to be held by the merchant creditor according to the form of the Statute of Merchants until the debt is levied.² The Year Books show the vogue of these privileged enrolments and the infinite variety and subtlety of the diplomata which are preserved there or as originals in the Chancery and Exchequer files.³ Again, there were official enrolments of bonds taken as securities for good behaviour on the part of tax-collectors and other officials as well as to ensure the due observance of commercial ordinances and regulations. The political uses and value of the statutory recognizance as a profitable and effectual means of coercion was readily deduced from the solidarity of the statutory mainprise, and interesting specimens will be found in the text of this volume from the thirteenth century onwards. The menace to a political offender of a debtor's prison was a recognized instrument of mediæval government, but at the same time it remained an exceptional expedient in view of the more effective precautions of statutory tribunals in the Tudor and early Stuart periods as well as of the activities of Justices of the Peace in these and earlier times, although the private use of such securities for marriage settlements, etc., had steadily increased. Finally, there are pleadings on writings obligatory of various kinds not officially enrolled, but entered casually in the registers of ecclesiastical or lay dignitaries or corporations.⁴ Probably they were not entered at all in many cases, while in other cases both the original bonds and the entry books have perished, for even the official records are by no means complete.⁵

Evolution of the Bond.

The skill and learning expended on the drafting of these commercial instruments has often been commended by modern lawyers. This aspect of the matter may also throw light on the legal training available for that purpose. A typical source of information is Canon Woodruff's delightful selection of letters from a Canterbury Chapter register containing applications for relief from the 'voracity of money-lenders' addressed to Prior Henry of Eastry by several Kentish students

¹ See below, p. xxiii, last paragraph.

² Calendar, p. 373.

³ For the classification of these documents, see Hall, *Formula Book*, vol. ii, p. 129 sq., and Madox, *Formulare Anglicanum*, passim.

⁴ For a good specimen see Pontissara's Register (Y. & C.S.), ii, p. 587.

⁵ See below, pp. xvii, xl of this Introduction.

of civil and canon law at Orleans and Bologna.¹ Among these is the proposal for a loan of 3 marks to enable young Richard of Haute to pursue his studies and incidentally to save the forced sale of his cherished autograph copy of the Decretals. The writer promises faithfully to satisfy the lender whether he lives or whether he dies by a natural or a 'civil' death.² Further, he will bind himself by an oath and assign all his goods in hand or to come to him (renouncing the plea of minority). Finally, he will appoint a kinsman (named) to prepare a bond on any terms agreeable to his patron.

We gather that this business-like proposal was accepted by the kind-hearted prior, like others that have been preserved in this collection³; and it is interesting to find that Richard of Haute was appointed in due course to transact the legal business of the Prior and Chapter.⁴ We gather, too, that the preparation for a career of legal chicanery was hard and perilous, although the lessons of adversity may have been eventually profitable. As a work of art, however, the private bond perfected by the Italian lawyers could not compete on equal terms with the conventional bonds prepared by mere scribes or notaries in accordance with a statute or ordinance of Parliament. The advantage possessed by the 'statute' was in fact grasped by officials of the King's court and council as well as by business men and their attorneys, and it is interesting to notice that the device of a 'statute' or 'defeasance' was readily adopted as an instrument of government as well as a negotiable security in commerce.⁵ It is unfortunate that few traces have survived of the statutory or official establishments by which these instruments and contracts were prepared and recorded. Apparently anything resembling a notarial college was unfavourably regarded in mediæval England, though without some such proprietary status and establishment the archives of expired or extinct functionaries or departments had little chance of surviving the vicissitudes of mundane things.⁶

¹ *Arch. Cant.* XXXIX. The writers complain also of robberies by their Italian servitors.

² *i.e.* by process of law.

³ Instructive references to the activities of the Chapter's Law department may be found in the valuable but neglected account books preserved in Lambeth Library (Nos. 242, 243).

⁴ The Henry of Haute who succeeded in obtaining a grant of Elmstead fair at the expense of an earlier grantee may have inherited this legal skill. See below, pp. 153-157.

⁵ Above, p. xiv, and below, p. 120 sq.

⁶ The inquiries of the Royal Commission on Public Records (1910-1919) elicited some instructive information as to the disparity of insular and continental methods of registering private deeds, although in fact the results of the organized registration of such documents in the Channel Islands or Colonies, or in provincial and metropolitan archives, are dwarfed by fortuitous deposits in the archives of the Crown and its feudal tenantry in point both of quantity and quality.

It is at least certain that the archives of statutory authorities, central or local, have fared worse than those in the custody of courts of justice, town councils and houses of religion or charity, because these institutions have usually absorbed the records of subordinate or cognate departments. Thus the records of town courts have largely survived, while those of statute merchant registries have mostly perished, because they were at the disposal of keepers of the King's seals,¹ who frequently appointed deputies and presumably kept the records in their own houses.²

Evolution of Statutory Recognizances.

The history of the Statute Merchant and Statute Staple registries cannot be written here, but the editor felt that some attempt should be made to explain more fully the objects of their institution and to describe more clearly the nature and scope of their statutory undertakings. Some such explanations and descriptions are, indeed, available in 'law dictionaries' and other works of reference, but the writers are mostly concerned with the 'statutes' as *choses in action* before the King rather than with the capacity and functions of the registry. As the Chancery clerks and the Justices or Barons who heard or discussed the cases that are printed here were familiar with both these aspects, we may miss the full significance of their comments or decisions unless we realize the environment.

Students of Economic History may not always appreciate the technical distinction between debts that are incurred in respect of contracts or deeds of feoffment and those which are of record, such as judgment debts, recognizances taken in the King's Courts (with or without defeasance clauses), statutory recognizances connected with the Statute Merchant and Statute Staple proceedings, etc. The penalties expressed in obligations of this kind are evidently more easily enforced, and so they have been estreated and levied by process of record for many centuries at the instance of busy merchants or vigilant ministers of State. None the less, some difficulty may be found by modern students in identifying the several tribunals before which these recognizances for solvency or good behaviour have been recorded, and in discovering or co-ordinating the surviving archives. Abundant material for study exists among the inrolments and miscellaneous files or exhibits of the courts at Westminster, or of the Courts of Assize and Quarter Session held in county towns, besides the miscellaneous contents of the offices of the Secretaries of State, and of municipal administrations,³ but this

¹ Below, App. p. li sq.

² Below, App. p. 103.

³ *i.e.* the Statute Merchant or Staple, Piepoudre and Quarter Sessions records. The process in these cases is well described in the Calendar of the City of London Plea Rolls.

material requires to be assembled and shaped before it can be profitably used. Moreover in certain cases ancient official archives have disappeared or have been only partly accounted for, as in the case of the records of fairs and staples generally,¹ while in other cases they have strayed from the original archive with the result that the functions of certain ancient tribunals have been obscured. A notable instance occurs in the case of the recognizances taken as a prescriptive right or privilege of the court of the Steward and Marshal of the Royal Household, which carried on a flourishing business in fees and other perquisites of recognition even before and after the Edwardian statutory procedure as well as during its observance.² At the present time, however, we do not know for certain whence these records came or whither they went, and we are in the same dilemma with regard to other prescriptive jurisdictions. A further difficulty is that one series of the statutory recognizances is now among the Lord Chamberlain's records, while others may have perished with most of the other judicial records of the Court of the Verge.³ Even so, the records of the Marshalsey court and prison are quite fragmentary, while the preservation of the records of the Royal Household could not be expected of an official custody which was the subject of a strong remonstrance by the Royal Commission of 1912-1919.⁴ Another group of related archives, which are also alluded to in this and the previous volume, was doubtless housed in the Guildhall of London⁵ as well as in the Tower,⁶ and there should have been records of interest at St. Martin's le Grand, as well as in the Sheriff's Court and in the Fleet and Newgate prisons.⁷ Finally, there are water-bailiff's courts akin to maritime courts and interested in the law merchant. The case printed below from the Dartmouth court reminds us that it was at Dartmouth, and as early as 1326, that

¹ The records of local fair-courts held under the official supervision of the City of London are represented only by the wreckage described in *Law Merchant*, vol. ii. A model for their further reconstruction has been recently supplied in Mr. Herbert Wood's edition of a Court book of the Archbishop of Dublin's fair.

² See the references to this court in the Indices of this and the preceding volume.

³ See Preface to the official list.

⁴ Second Report (1914), pp. 4, 89 : Appx. pp. 7, 104.

⁵ It has been stated by the late Dr. R. R. Sharpe, in his *Calendar of the Guildhall Letter Books* (A.P. 79) and in his Introduction to the same volume (p. iv), that the city fathers set the Statute of 1283 at defiance by resolving that recognizances under the Statute might be taken by the Chamberlain in his own house instead of before the Mayor and King's clerk at the Guildhall. The editor does not seem to have been aware that recognizances of debts had been taken before the Chamberlain and continued to be so taken, and that these had nothing to do with the statutory recognizances taken before the mayor and clerk from 1283 onwards.

⁶ In London, Bristol, and other cities, the franchises were taken into the King's hand and administered by a keeper who was also a chatelain.

⁷ The difficulties of a defendant debtor, who was commonly kept in chains, were obvious (see below, p. xxvi).

the King's Admiral held an inquest of mariners according to the law merchant in connexion with the spoil of a foreign merchant vessel.¹ We know that similar courts with a mercantile procedure must have existed in the fourteenth and fifteenth centuries both in England and Ireland, though in a later period the water bailiff had become a municipal port master, while the local Admiralty and 'Chancery' courts were held by civilian lawyers.

The 'Judaism' as a precedent for the Edwardian Statutes.

We are not concerned here with the general facts and theories connected with the economic and social conditions of the English Jews or with their implications, but in view of the important part played by the Jewish Exchequer² in connexion with the evolution of the Edwardian statutory registries of mercantile debts, some reference must be made to the Jewish ark and starr as the precursors of the Edwardian registry and bond.

The idea of the registration of debts may have been derived from the ceremonial rites connected with the due performance of mercantile contracts, from which an elaborate system of registration was gradually evolved by the expert clerks of the King's Chancery and Exchequer, aided by native and foreign lawyers and merchants. These able ministers, intent on giving satisfaction to the King in the most important matter of the assessment of the King's Jews and their respective debtors (who hereby became the 'King's debtors'), contrived special tribunals, sessions, formulas and records which were gathered round the arks of new covenants in certain towns and were co-ordinated also with a central Exchequer of the Jews. Here on the chequered board devised by wise men of the East, the financial movements of the respective pawns were disclosed by Christian knights³ and Jewish bishops⁴ in a game that was always won by the King with his castle⁵ and his queen.⁶ The prerogative of the Crown having been secured, the co-operation of the Jewry was obtained partly through its helpless position and partly through the natural docility and religious discipline of the race. The English Kings wisely recognized the authority of the Jewish rabbis and allowed the Jewish usurer to bind himself and his kindred by picturesque deeds in the Mosaic script, witnessed and carried

¹ *Law Merchant*, vol. ii, pp. 99 and 155, 156.

² The valuable Calendar of the Plea Rolls of this Exchequer, edited by Mr. Hilary Jenkinson, who is also engaged upon the Exchequer Plea Rolls, will throw much new light on both these series of Exchequer Records.

³ *Cf.* Case 1 (p. 1).

⁴ *Cf.* Jacobs, *Angevin Jews*, p. 372.

⁵ For the supervision of the local Jewries by the keepers of the King's castles, see the works of Jacobs, Rigg and Jenkinson cited below (pp. 206-207).

⁶ For the Queen-gold from the Judaism, see Case 5 and the *Dialogus*, p. 157.

out by Jewish merchants and officials and safeguarded by a net-work of administrative and judicial precautions. These conciliatory measures were all the more creditable because it was a point of honour with the Jews to ignore Gentile laws and customs as far as possible, while the prejudices of Christian merchants and officials had to be smoothed or stifled. It was a masterly device to include Jew and Christian in the binding formalities of their respective religions and laws, and we may even be tempted to wonder whether these experiments were not assisted by the common interest and understanding that brought traders of all nations together in the customary procedure of the law merchant.

When the Judaism was organized under Richard I as a large source of revenue to the King's exchequer,¹ we find a system of registration permanently established which does not compare unfavourably with that of the statutory registries of nearly a hundred years later, unlike which it remained continuously under the supervision of Exchequer experts.

Certainly the advantages offered to the Jewry by the various ordinances of the Judaism were considerable. These comprised personal protection from fanatical violence, with privileges (as the King's debtors) in respect of freedom of trade, nominally without tolls; assistance from the King's court and officers to prove and collect their debts; an official certification of contracts and book debts, and the right to dispose of unredeemed pledges. All this, too, at a moderate charge on each transaction; but subject possibly to arbitrary fines or gifts, with the inevitable estate-duty at death wiping out the savings of a lifetime; though the Christian landowner or merchant did not fare much better himself, in that way, under the law and custom of the Realm, nor yet his latest successors.

More satisfactory still was the arrangement by which the Jewish creditor was allowed to prove the amount loaned to his debtor, who could in turn prove the amount of capital and interest repaid. At the same time the former was allowed to repay himself by receiving possession of half the debtor's lands, thus possibly anticipating the statutory provisions of the mercantile and judicial procedure of 1285.²

Besides these material advantages (with certain drawbacks) the King's Jews, as such, obtained a gratifying recognition of their own religious and civil self-government. Their bishops and judges and masters of the law were important personages and played their parts with credit. There is reason to believe that not a few of the influential

¹ Hoveden (Rolls), iii, p. 266; but cf. Gross, *Exchequer of the Jews* (1887), p. 219 sq.

² These relations are carefully stated by Sir William Holdsworth, *History*, vol. iii, p. 131.

financiers of mediæval Europe were of Jewish blood. And these capitalists, whether Anglo-Jewish, Italian, Flemish or Baltic merchants, had begun in the latter part of the thirteenth century, if not before, to use a special procedure for securing or recovering their debts which supplied some obvious deficiencies in the common law of the land.

The Origin of Statutes Merchant.

The origin of the famous 'Statute of Merchants,' passed in the 'parliament' at Acton Burnell in 1283 and revised at Westminster in 1285, has often been discussed, and several obvious motives for these arresting pieces of Edwardian legislation have been suggested, including the need for propitiating foreign merchants and their governments,¹ as well as for providing a form of tenure that would be more secure for creditors in possession and more just to their debtors. Some importance has also been attached to the precedents of the Jewish gage and to the Baltic debt books.² Much has been said³ too about the Edwardian policy with which these Statutes are ingrained, and it is true that they reflect the robustness of Edward's anti-feudal system and that they lasted, in one form or another, down to the time of our own grandfathers, although their prestige had been impaired by the use of mortgages, Bills of Exchange, Promissory Notes and, finally, of Annuities.

These and other familiar suggestions are doubtless helpful; but we must not forget that the lord King's merchants, and the lord King himself, were perforce practical in their outlook on these matters. In their view the custom of the merchants was chiefly concerned with making or fulfilling of contracts and with keeping accounts of their transactions, and already many merchants had been ruined by the effrontery of a wager of law. What the native or foreign merchant and his sureties needed, at that time, was a full measure of swift justice, based on the evidence of frequenters of markets and fairs, whose expert investigation could alone decide between a written statement of debt proffered by one side and a denial on oath by the other side. But the merchants' point of view may seem to be less important after the establishment of registries of debts with a summary though limited jurisdiction; for the contested cases might be regarded as appeals to the King's courts, through the Chancery; and in many cases it was not a

¹ Powell, *Suffolk Hundred*, 1283.

² Schanz probably set the fashion for deriving (*Handelspolitik*, vol. i, p. 541) the Edwardian statutory recognizances from the Riga Debt Book. Since then more continental precedents have been found, though the possibility of the co-existence of native models does not seem to have been explored.

³ e.g. in Professor Jenks's well-known monograph of Edward I, which develops the theory of the Jews as traders hinted at by Gross (*Exchequer of the Jews*).

question of a deserving creditor and an undeserving debtor, but of the unjust possession or misuse of an estate pledged in accordance with the terms of the Statute which had not been interpreted in a just spirit.

Another motive for the institution of these statutory registries has been previously referred to. Here an aggravated neglect of duty by the sheriffs in respect of levying writs of execution on behalf of a Flemish plaintiff against his debtor, an English landowner, was brought before the King at Shrewsbury and Acton Burnell in the years 1283 and 1284.¹ This case did not stand alone,² and it is significant that the reason given in the preamble to the Statute of 1285 was that sheriffs maliciously delayed the execution of the Statute of 1283, to the great damage of merchants, who had complained thereof. It will be remembered, too, that in the same case some interesting references are made to proceedings that had been in progress since 1274 in connexion with an Anglo-Flemish debts commission,³ and there are references here and in subsidiary records to the official compilation or registration of contracts and accounts in this connexion. In the present volume there are several allusions to the existence of a system of official registration of contracts outside the King's courts long before the passing of the Edwardian statutes. For example, we have seen that recognizances had been taken in the Guildhall of London before the Chamberlain,⁴ and this prescriptive right may have covered the activities of the citizens in connexion with the supervision of local fair courts.⁵

Among local influences that may have been at work in procuring the Statute of 1283 special attention may perhaps be called to its relations with the Statute of Wales (1284). It will be seen from a case printed below⁶ and from contemporary inquisitions printed in an Appendix,⁷ that an attempt was being made to bring Welsh market customs into line with those associated with the law merchant. Apart from this, Shrewsbury might be regarded as the liaison town between England and Wales, and it was one of the five towns selected as centres for the Statute Merchant procedure. Furthermore, the first mayor of London appointed to administer the new Statute was Henry the Welshman,⁸ whose name, like that of Burnell himself, appears several times as a creditor in the earliest roll of recognizances taken at the Guildhall.

These may be merely coincidences, and no great importance can be

¹ *Le Roy v. Redmere*, *Law Merchant*, vol. ii, pp. xxxii sq., 18 sq.

² *Cf.* below, Case 5 (p. 146), where an alleged organized robbery of a foreign merchant was dealt with in a letter from the King at Acton Burnell, October 1283.

³ *Law Merchant*, vol. ii, p. 18 sq.

⁴ See above, p. xvii, footnote 5.

⁶ P. 140 sq.

⁷ P. 170 sq.

⁵ See below, pp. lvii, lxxxiv.

⁸ Henry le Waleis.

attached to them, though it is possible, of course, that local or personal influences may have brought the subject before a 'parliament' of merchants hastily convened. For example, Mr. Edgar Powell in his valuable analysis of the taxation of a Suffolk Hundred in 1283¹ assumes that the Parliament summoned to Acton Burnell in November 1282 was required to repay advances made by Italian merchants. It might seem, however, that the policy of the Crown towards Jewish and foreign traders and money-lenders alike was too arbitrary and inconsistent to serve as a reliable factor of the legal or economic history of the thirteenth and fourteenth centuries. The enlightened legislation of 1283-1285 and 1303 cannot serve as a complete set-off against the fiscal enormities of 1294-1298; nor can the prosecution of the City of London in 1306,² for ignoring the King's charter to foreign merchants, atone for the recent and offensive round-up of these merchants in the manner of the Judaism.³ Indeed it would seem that the 'English Justinian' could be as undecided in his attitude from time to time as his juristic counsellor, Francis of Accurso, himself.⁴

There is, however, at least a reasonable probability that the business apparatus of mediæval commerce was intelligible to merchants of the respective states, although the diversity of commodities, weights and measures, coinage and 'idiom' (especially the 'littera Ebraica') must have put a heavy strain on the intelligence and resourcefulness of insular merchants. In cases heard in the Courts at Westminster from 1285 onwards the foreign merchants called in as auditors seem to have had no difficulty in mastering the details of involved accounts. Be this as it may, there remains the possibility of the evolution of a statutory registration of English mercantile bonds from native models.

As far as the interests of the English merchants were at stake the King's Chancery in Wales had learnt from an inquiry held at Lynn early in 1283 that merchants in those parts dared not go to Friesland to recover their goods, according to the law merchant, for fear of violence.⁵ During such phases of international reprisals the ceremonious correspondence code of Norfolk ports⁶ was futile; but the foreign merchants in this country were not always 'sure of their debts,' even on the security of more than a score of the merchants of Southampton, who borrowed 100 *m.* from merchants of Kassenvyl (repayable without delay or contradiction in March 1286) for themselves and the whole community, 'in behalf of their great business and for the profit of the

¹ P. ix.

³ Madox, *Exchequer*, vol. ii, p. 107.

⁵ Cal. of Chanc. Misc. Inq., No. 1299.

² *Law Merchant*, vol. ii, p. 76 sq.

⁴ *Law Merchant*, vol. ii, p. 36 sq.

⁶ P. xxiii.

whole city.' But at Southampton the Guild Merchant claimed, under a charter of 40 Henry III, to repudiate responsibility for debts incurred by their own body in transactions with outsiders, though they undertook the oversight, and apparently the registration, of debts due to their fellow members.¹

At Yarmouth,² besides an extensive collection of foreign recognizances (1280–1600) separately inrolled (though the first date mentioned seems conjectural), there existed a custom of demanding payment of debts owed to local merchants by British or foreign merchants in official letters to the rulers or communities concerned, desiring them to justice those debtors. These letters, which were inrolled, were repeated at least twice at intervals of a few months, and in the event of no action being taken, execution followed as for a judgment debt, according to the penalty acknowledged by the debtor. If, however, the debtor had no goods within the city, goods of his fellow subjects or townsmen were attached to satisfy the debt. In most cases the debt was recovered, though not until a second or third letter had been dispatched, and it would seem that this elaborate procedure combined the functions of an official registry and a state chancery, while it might serve the purpose of letters of credit.

Here, then, we have a local customary procedure which may well have preceded the Edwardian statutory system and did survive it, for Yarmouth had no merchant registry. It seems fairly certain that Yarmouth got this law merchant procedure from its close association with the Cinque Ports and on the strength of its famous fair.³ At Romney the same procedure for the recovery of debts is recorded in the town 'custumal' in the form of letters of the Commune procured by local jurats and issued by the local chancery.⁴

These civic customs, which may represent a still older custom, remind us also of the Exchequer system referred to in the city's charter of 1268, whereby 'of those debts which of their contracts and loans shall be due unto them they may cause to be enrolled in our Exchequer for the more surety of them, upon the recognizance of those who shall stand bound to them for the said debts . . . and for every pound to be enrolled in the Exchequer, one penny shall be paid to our use for the charge of sustentation of those who must attend to the enrolling.'⁵

¹ Davies, *Southampton*, p. 153. The Staple was not in evidence here till 1445 owing to the guild's prestige. Cf. Hearnshaw, *Leet Jurisdiction*, p. 46 sq.

² Blomefield, *Norfolk*, vol. xi, p. 341.

³ Cf. below, pp. 144, 179 and Baldwin, *Council*, *loc. cit.*

⁴ For the Cinque Ports (Lyons, *Dover*, vol. ii, p. 338). These records were examined by the editor with the assistance of Sir Frederick Pollock (cf. Second Report of Royal Commission on Public Records (Part ii), p. 165).

⁵ Birch, *Historical Charters*, p. 41.

Perhaps we may often wonder whether the security, facilities and actual profits received by the recognizee of a 'statute' really excelled, or even equalled, those enjoyed by the creditor under an official enrolment in the Exchequer Chancery or Household court, or before the King's justices or privileged subjects elsewhere. The choice, where it was offered, was probably decided by the circumstance of opportunity and the scale of official fees. But in this as in other respects the official practice was extended by the enterprise of professional competition.

The Statute of Acton Burnell was enacted in 1283 on behalf of the merchants, to make provision for the official recognition of debts at certain important centres before the mayor of the town and a clerk, appointed by the Crown, by whom the recognizance in the form of a 'bill obligatory,' signed and sealed by the debtor and officially counter-sealed by the mayor, was to be inrolled in duplicate and handed to the creditor. The terms of this recognizance varied greatly, but whatever they were the debtor accepted the penalty imposed by the statute in the event of his default. In this case the mere production by the creditor before the mayor, after the term appointed had expired, of the unpaid or uncanceled bill, sufficed, without any pleadings, after verification of the bill from the inrolment, to procure local execution by the mayor to the extent permitted by the statute; that is to say, execution might be levied at once on the debtor's chattels and burgage tenements (if devisable). If he was found to be possessed of none such within the mayor's jurisdiction, though possessing them elsewhere, the mayor was to certify the facts for the information of the Chancellor in order to obtain his assistance to recover the debt by the issue of a writ to the sheriff in whose bailiwick the debtor's movable property lay. Finally, if no movables could be found, the debtor's body was to be taken and securely imprisoned until payment was made. It is noticeable that the procedure under this statute could be utilized by other persons than merchants, though Jews were excluded. It may have been presumed that the creditors would be chiefly merchants and that these would need security in their dealings with certain customers. No provision is made for the performance of the duties of the mayor by any other person appointed *ad hoc*.¹

The Statute of Merchants which followed in 1285 professed to 'rehearse' or emend certain sections of the late statute; but these emendations are both extensive and important.² Of these the most striking, and perhaps the most practical, was the arrest of the debtor on defaulting, whereupon he was given three months in which to make

¹ See p. xxv, par. 2.

² For a summary statement of these differences, see App., p. lxxxv.

terms with his creditor, or to sell his lands and goods to the best advantage. Again, the creditor was enabled to hold the debtor's lands at their yearly value pending repayment of the debt from the rents or produce. The official inrolment of recognizances was to be duplicated,¹ and an official seal in two parts or pieces, with separate devices, was to be provided and delivered to the mayor and clerk respectively. The statute refers to 'one of the clerks that the King shall thereto appoint, when both cannot attend,' and this expression has caused some difficulty to commentators. It would seem, however, that the reference may be to the King's clerk with his deputy, such deputies (who farmed their offices) being frequently appointed by royal licence and enjoying definite rights during good behaviour. The word 'both' might, however, be an elliptical expression referring to the joint deputation of the mayor and clerk who, though appointed jointly, could in fact carry on at times single-handed. Eventually the latter office was merged in the chartered municipal establishment of a 'common clerk,' though the mayor might preserve a dual personality down to much later times.²

It should be noticed that the appointments of mayor and clerk were officially associated with the respective custodies of the greater and lesser 'pieces' of the merchant seal, and that these were occasionally held by officers outside the municipal establishment, especially during the earlier period.

This practice has been the cause of some confusion. The title of mayor used at Norwich, as 'mayor of the greater piece of the seal of Statute Merchant,' is perhaps exceptional, but at Wigan the parson and lord of the town was appointed 'mayor of the greater piece.' In other cases the keeper of this seal was keeper of the castle, with the town annexed, for the time being, while elsewhere there was no mayor but only bailiffs, one of whom was appointed as keeper of the 'greater piece.'

In this connexion it may be desirable to suggest that the lesser seal 'of two pieces' may have been used for the transaction of business subsidiary or incidental to the conventional procedure under the statutes, for the clerks had to make a living by their office.³ This and the survival of the two offices may account for the fact that many matrices or impressions of both pieces have survived, while the bundles

¹ The certificates were also inrolled by the clerk till Tudor times.

² In London the mayor was invested with the city and Statute Merchant seals in separate 'purses' (*Liber Albus*).

³ This may explain the neglect that is often complained of, which would include absence from duty, but old age is also mentioned (p. lviii). The deputy, too, is often blamed.

of rolls and files of recognizances have mostly perished.¹ It might be added that the not infrequent cases of forgery, fraud or misbehaviour, instances of which will be found in the following pages,² may have been partly due to the appointment of undesirable servants of the Crown as a reward for service in the demoralizing atmosphere of the mediæval castle or camp.

The procedure³ in respect of the execution of recognizances under the Statute of Merchants in 1285 followed a normal course in the majority of contested cases. Mayors and clerks proved themselves efficient on the whole, especially in protecting the interests of the mercantile community. It should not be forgotten that the exclusive preference given to merchant creditors, abolished by the Statute of Westminster II, was re-enforced by the Statutes of Merchants in respect of the charges on the debtor's lands. So, too, the inclusion of fairs in the scope of the Statute of 1285 was probably a confirmation of an earlier procedure. At the same time the sheriffs were open to the suspicion of purposely delaying the execution of writs in cases of default under the Statutes of Merchants from a desire to favour the country party.⁴ We might suppose indeed that this judicial business could have been carried out in conformity with a statute for the benefit of merchants, though we have no means of ascertaining why 'the writ came (to him) so slowly,' nor can we always understand on what principle the sheriffs made their returns of these cases into the King's Bench or the Common Pleas. The petitions of the local keepers of the merchant seals and the resulting writs to which these returns were made were evidently modelled on the lines of those in use for invoking the secular arm. The immediate answer was a writ of *capias*, followed, if the debtor were not found, by a *capias et extendi facias*, the 'liberties of the subject' being protected by the stipulation that when over-valuation was suspected the official assessors might be required to take up the bargain themselves. On the other hand, the creditor could not always be induced to accept a jury's valuation for the same reason, while a further difficulty was caused by the fact that the debtor himself, when found and lodged in gaol, was thereby deprived of proper facilities for effecting a sale in the interval allowed, though a composition with his creditor was, no doubt, facilitated by the obligation on the latter to feed him meanwhile—a precaution against abuse of the procedure in respect of small debts which would have proved effectual with corn at famine prices.

¹ For references to the important literature of these seals, see below, p. li sq.

² Below, pp. 193–199.

³ For a summary statement of this, see below, Appendix, pp. lxxxiii–lxxxiv, lxxxvi–lxxxvii.

⁴ Or even their own interests, cf. below, p. 123.

It is well known that the provisions of the Statutes Merchant of 1283 and 1285 were partially nullified by the Ordinances of 1311,¹ passed and enforced during the reactionary régime of the Lords Ordainers. By this measure the number of centres for the statutory procedure was limited to twelve,² and the custodians of the 'greater piece' of the seal were to be elected by the commonalty from the richest and most sage of their number. A minute and very curious description of the procedure connected with delivery of the official seals to the mayor and clerk is recorded in the Exchequer Memoranda Roll of 1298, reminding us that the carrying out of this and other desirable improvements³ might depend on the ability or willingness of the local authorities to attend in person and pay the fees or expenses demanded by the marshal. At Northampton, however, in 1319, the seals were delivered to the officers by the Chancellor, who received them from the Exchequer for that purpose. At the same time the use of the procedure was restricted to the recovery of debts between merchants, while recognizances were to be taken in the presence of four witnesses and must not affect other property than chattels and burgages. We know that the Ordinances were repealed in 1322 and the Statutory procedure restored, but it will be found that the presence of four witnesses is occasionally retained (notably at Northampton). Possibly these witnesses represent the pledges whose presence was required for both common law actions and mercantile contracts, as well as the sureties who play such an important part in the process of *Audita Querela*, the *Habeas Corpus* of mediæval trade.

The Origin of Statutes Staple.

The institution of mercantile staples goes back to 1312, and the experiment was extended and made permanent in 1353, when the Ordinance of the Staple established an analogous procedure.⁴ The effects of the new procedure, with its more vigorous administration, its more rigorous process, its simplified clerical instrumentation, its very moderate fees and its democratic and national tendencies, proved very beneficial to the independent growth of English industry and commerce. The benefits received by merchants themselves have perhaps not been exaggerated in their graphic enumeration by a distinguished Victorian scholar, which is printed above.⁵

For a hundred years after the passing of this Ordinance the Statute Staple procedure continues to be used in preference to that of the Statute Merchant, although both were now available to all classes of

¹ Art. 33 (Stat. of Rlm. I, 165).

² A reduction by nearly one-half.

³ e.g. testing or supplying weights and measures.

⁴ Appendix, p. lxxx.

⁵ P. xiii.

the community. During the same period, however, there is a marked decline in the total number of recognizances issued under both procedures. This falling-off has been attributed mainly to the competition of the convenient devices of the Bill of Exchange and the Promissory Note; but there were probably other influences at work and among them the Hundred Years' War must have provided a *moratorium* for many potential or fugitive debtors. It is noticeable, too, in the literature, correspondence and records of the fourteenth and fifteenth centuries that the distinction between the provident and improvident debtor, the calculating 'Winner' and the incorrigible 'Waster,' had become clearly recognized.¹

Moreover, the status of an English mercantile town was not uniformly progressive, and the association with a seaport, a cathedral, the assizes, or even a great fair did not necessarily imply municipal prosperity, any more than the possession of a musty charter or antique badges or the tradition of a mint, or Jewish ark, or standard weights and measures, or statutory facilities for incurring or recovering debts, or a parliamentary representation. It was the cumulative value of all these dignities and activities that helped the mediæval boroughs, great and small alike, to pay their way in good times or bad; and even to preserve some remnants of their old prestige in the grateful shadow of a town trust.

Nearly a hundred years later the Act of 1532² circumscribed the uses of the Statute Staple still further on the ground that mayors of Staples had broken the law by taking recognizances from other parties than merchants. The Ordinance of 1353 may have been vaguely worded, but its procedure was expressly extended by the Statute of 36 Edward III, c. 7, to 'every person, be he merchant or other.' In spite of this proviso the use of the procedure was restricted by the Act of 23 Henry VIII, c. 6, to merchants of the Staple only, in respect of merchandise of the Staple. In other cases a new procedure was to be employed, and recognizances were to be taken only by the two chief justices of the King's Court or by another justice, the recorder of the city of London, or the mayor of the Staple of Westminster in their place.

The distinction between the new procedure 'in the nature of a Statute Staple' and the old procedure, now reserved for staplers only, was an obvious quibble, though in several respects the latter was wisely emended, as will appear from the particulars printed below.³ The King's clerk was now replaced by a competent and resident writer, and the recognizance was verified by the seal (kept in triplicate) of one

¹ This may be gathered from the political and social satires and proverbial ballads of the period. Cf. *Winner and Waster* (ed. Gollancz) and Wright, *Political Songs*.

² 23 Hen. VIII, c. 6.

³ Pp. 74-84 and 124 sq.

of the justices or their deputies. The enrolment was also more carefully preserved, and although the clerical apparatus continued to be imperfect for two more centuries, the opportunities for forgery or deceit were minimized.

The extent of the business transacted in the derelict Staple Courts after the passing of this Act cannot be easily appreciated owing to the non-survival of their records in most of the English towns. In any case we should have expected to find a much diminished activity, in view of the rapid decay of the Staple system itself in response to trade movements, although in Ireland (by a happy accident) a record of these transactions in several towns from 1639 to 1678 has been preserved by their enrolment in the Chancery Crown Office at Dublin.¹

The Statutory Procedure in Contested Cases.

The final devolution of the procedure and the survival of the pertinent archives are referred to elsewhere.² The Statute Merchant and Statute Staple, with the Tudor makeshift procedure, had played their part in promoting the prosperity of the merchant at the expense of the landowner and his feudal tenantry, though many smaller traders and master workmen shared the same fate; and the abuse of usury, as a key to the title-deeds of land, would run its course through other channels for a long time to come. This and other economic or social problems have been referred to here because some scarce and interesting information on such subjects may be found in the files of Chancery certificates.

In connexion with the procedure under these statutes, as it affects the case law of the subject generally, the position of sureties is almost as important as that of the debtors for whose solvency or appearance in the courts they were responsible. Indeed, as we have seen, the 'surety' in the person of a 'pledge' might serve to stiffen the good intentions of a potential debtor in a contract of sale as well as to ensure his appearance to stand his trial, what time a creditor had invoked aid of the law and custom of the Realm. The Statute of Acton Burnell, while recognizing the liability of pledges and mainpernors who have bound themselves with debtors, provides that if the debt can be satisfied from the movables of the latter, the former shall be 'without damage.' Some obscurity, however, seems to exist as to the significance of the reference in the Statutes of 1283 and 1285 to the acknowledgement made by such sureties, and it is preferable to suppose that where two debtors are recorded as bound together, one of these may be a surety,

¹ Below, p. 133. Curiously enough, the improper abstraction and sale (to the British Museum) of these records was the ultimate means of their preservation.

² Pp. 74 sq. and 125 sq.

for it is improbable that the acknowledgments of sureties were made in a separate series of records which have not survived.¹ In any case the formula 'each of them as one and for the whole' would seem to fix the responsibility of the parties acknowledging a bill. Some looseness occurs also in the drafting of these statutes in respect of the descriptions of recognizor and recognizee as debtor and creditor or as merchant and debtor respectively. Here, however, it is scarcely necessary to suggest that a subtle distinction is made between 'merchant' and 'creditor' and between 'merchant' and 'debtor.' In each case we may understand merchant and merchant, or merchant and non-merchant, and finally non-merchant and non-merchant, as the fact may be. A different implication is attached to the title of 'clerk' and even to the epithet 'known merchant'; but it is only during the influence of the Ordinances of 1311 and after the Act of 1532 that 'merchant and merchant' seem to be regarded as essential parties to a statutory recognizance, though towns formerly of considerable mercantile importance have only preserved a few shreds of evidence from borough customs for the mediæval period. Among these Sandwich was very closely associated with sea-borne trade to London and may have been the birth-place of an able keeper of the city of London soon after the passing of the Statutes of Merchants.² This quaint old Cinque Ports town still has a rich store of records, though as usual these are defective on the judicial side. Although the town did not possess the statutory procedure for debts, it at least enjoyed one useful privilege, for we know that distrains for debt were most commonly made on horses,³ with which men would fare abroad, what time their oxen and sheep might be guarded by a doubtful 'liberty' and their household goods by a trusty bow or bill. Then, when the bailiff appeared, the led or tethered horse could at once become a horse-man, and no burgess might be arrested for debt within the borough.⁴

Perhaps no single feature of the Statute Merchant procedure is more noticeable than the lack of official evidence of payment of debts recognized under the Statutes, a defect which seems to have been the frequent cause of actions to recover debts, the payment of which is asserted and denied. Here the difficulty is largely due to the neglect of the debtor to recover the bond from the creditor duly cancelled, with or without a formal release.⁵ It may seem strange that the debt should

¹ We are told that sureties are not entered in the Riga Debt Book, but there, too, a relative might be bound with the debtor.

² Ralph of Sandwich, Warden of the Tower of London. For his vindication of the communal aspect of the Law Merchant, see below, p. 175.

³ Cf. Case 6.

⁴ Bateson, *Borough Customs*, vol. i, pp. 131-132.

⁵ Even in the elaborate system of debt registration at Yarmouth (above, p. xxiii), there seems to have been no proof of non-payment except the creditor's oath.

not have been discharged by cancellation or annotation of the official roll itself, but this does not seem to have been done consistently and graft may sometimes be suspected, though in the Riga 'Debt Book' and other registers cancellation was performed before the registering authorities.

But the carelessness of debtors in this matter is notorious, and it was found necessary in the reign of James I to compel traders to cancel in their ledgers debts which had been paid, since these were often presented again and payment enforced for want of a receipt. In some cases here, however, forgery or deceit are alleged on one side or the other in a contested case; but in other cases we find that it is a question of account in dispute between the parties.

Another noticeable incident connected with the execution of recognizances is the responsibility of the judicial officers concerned with the safe custody of debtors. This, however, is not essentially a precaution associated with the Statute Merchant procedure or even with the Law Merchant itself, although a large proportion of the cases in which the principle is asserted arises from the Statutes of Merchants. Some interesting cases calendared in the Irish Justiciary rolls of the late thirteenth century suggest that this principle was generally accepted.¹

These precautions were justified by the difficulty of arresting irresponsible debtors as well as by the facilities given for their escape or concealment by the kindred or by competing creditors. It seems probable that 'known' merchants or other responsible debtors accepted the penalty in the philosophic spirit of Shakespeare's merchant,² and might even be placed under loose arrest in their own or in their creditors' houses. In any case the sordid and inhuman tragedy of the hopeless captivity of improvident debtors is not openly displayed in earlier times. Whether any evidence might be forthcoming as to the systematic release of impecunious debtors for 'God's service'³ or the King's, or even the creditor's (following the hints given in the Continental 'debt-books'), is a speculation in which we may not hope for much assistance from judicial records.

In contrast to this reticence on a social problem which only became a matter of public policy in recent times, the now purely academic question of the legal status of clerical debtors was one of considerable interest during the earlier administration of this statutory debt

¹ Cf. *Law Merchant*, vol. ii, p. 48 sq.

² See App. IX, p. 115. It may be remembered that the Jew is expressly excluded from the scope of the English Statutes Merchant, and that the vindictive imprisonment even of foreign debtors would scarcely have satisfied the requirements of a utilitarian creditor who had no use for a professional beggar, after the statutory obligation of feeding his debtor for three months had expired.

³ Slavery for debtors was denounced by the Church, but the State had also denounced the enfranchisement of villains by ordination.

procedure. The effect of this clerical interpolation is recognized in the Writ books and is illustrated by several well-known cases printed or referred to below. It may therefore suffice to make the following general remark on a serious impediment to the execution of the Statute of 1285, which expressly protects clerks from arrest as defaulting debtors. On the other hand, the Statute of 1283 makes no distinction between lay and clerical debtors, while the appropriate writs forbid both mayors and sheriffs to take the latter and require his release if already arrested. This instruction is, of course, justified by the general exemption included in 'Benefit of Clergy,' but advantage was taken by certain persons of its recognition to claim exemption from imprisonment as a holy clerk, and also from payment of the debt on the presumption of not being a merchant, as required by the Ordinances of 1311.

Benefit of Clergy and Civic Liberties.

It might, perhaps, seem an irrelevant speculation whether the minor orders of the clergy were able to claim their 'benefit' when the creditor was an ecclesiastical or religious dignitary. Among the Ancient Deeds (T.R. A.15422) is an authority from Boniface of Savoy, as archbishop of Canterbury, to the Abbey of Cluny to refuse payment of usurious demands by the laity, and inclosing Inspeximus of Clement IV's bull on that subject. The natural inference may be that as benefit of clergy was only a potential protection against the greed or extortion of the laity, it would scarcely be claimed by a discreet ordinary at the expense of a clerical creditor. For example, the action of Aylmer of Savoy, as archdeacon of York, against his receiver¹ to recover the balance of an account did not seem oppressive to the court or to the Bishop who attached the debtor's ecclesiastical goods. It is not surprising that the city of London should have taken up a resolute attitude towards this pretension, as seen in more than one case printed below.² Apart, however, from the privileges of the Church, we find the Crown confronted in these and other cases³ with a persistent assertion of the ancient liberties and customs of the city in respect of its jurisdiction in cases before the mayor or sheriffs which were removed into the King's court through the intervention of the Chancery. The resulting deadlock was to some extent relieved by a compromise, through which appeals were reserved for the joint consideration of the justices and the city officers at S. Martin's le Grand.⁴

On another matter too was a long-standing dispute: this was in respect of the city's claim not only to take recognizances in the Guildhall

¹ K.B. 27/222/52.

² Cases 17 (p. 23), 24 (p. 33), 26 (p. 37).

³ Case 38 and App. X (p. 117 sq.).

⁴ See *Law Merchant*, vol. ii, pp. xxxii sq., 18 n., 133 and 161.

chamber before the city chamberlain, to hold courts before the two sheriffs in turn, apart from the sessions of the mayor and aldermen, and to maintain the procedure of the law merchant generally, with the other privileges and customary rites which have been so well expounded by the present keeper of the city records, but also to preserve the city's ancient standard of weights and measures (handed down, we have been told, from the days of the Trojan Brutus), without regard for its 'concordance' with the Exchequer standard. The climax of this contention seems to have been reached in 1433 with the Act of 11 Henry VI for observing the Exchequer Standards, the mayor being required to take a new form of oath which included subservience to the Exchequer system. The mayor having demurred to take this oath before the Barons, was allowed (as a compromise) to take another oath that he would obey the statute or show cause to the contrary, and he thereupon pursued the alternative course with much spirit and learning. The court was inclined to regard this attitude as contemptuous,¹ but the mayor put himself on the charters of the city and claimed that he should be dismissed under liberties which still existed. This clash with the Exchequer as the guardian of the Crown's prescription reminds us of the old antagonism that existed between the Household and Exchequer courts and the city council with regard to the levying of Aulnage and other fair tolls.²

In connexion with the very important case (too long to mention here at length) of *Burton v. Davy*,³ it is interesting to find that the Chancery pleadings give a fuller report than the City of London Letter Book K. fos. 163b and 208. There is one circumstance, however, that is emphasized in the latter source, namely, the suggestion that Burton's suit was brought to prevent Elias Davy from prosecuting a suit in the King's Bench against Wm. [Clerk] Skinner. This statement, made with assurance, may remind us that in those days maintenance was still a fine art.

Official Establishments for Registration of Debts.

Reference has been made above to the special establishment for the statutory procedure in the great fairs, and the ceremony of setting it up in the fair of St. Ives has been described in Volume I. of this work.⁴ Certificates issued of defaults in respect of recognizances taken at S. Ives, S. Botolph's (Boston), Stamford and Winchester are preserved in the Chancery files for the earlier period of the statutory procedure.⁵

¹ The Crown relied on the Acts of 1 Henry V, c. 10, and 16 Richard III, c. 3.

² See *Law Merchant*, vol. ii, pp. 51, 52, and below, pp. 148-149.

³ App. X (p. 117), 1436-1437. For the Crown contempt of the jurisdiction of the Bench was alleged, cf. *Law Merchant*, vol. ii, 109 sq.

⁴ P. xxviii sq. The appointment of a London delegate to take recognizances in 1286 is entered on the Patent Roll of that year. (Below, p. lvii.)

⁵ Cf. p. lxxxii.

The expenses of the establishment¹ at fairs were met by a poundage of three-halfpence.² Pleadings upon a recognizance taken in the fair of S. Botulph's, 1297, are printed below.³ Presumably this fair procedure was stopped by the Ordinances of 1311, which limited the number of statute merchant towns to twelve. Whether the city of London continued to make good its privilege after the repeal of the Ordinances is doubtful.

In addition to the special official fees taken in the great fairs, a poundage of 1*d.* was fixed for recognizances taken in the town appointed, but possibly this was supplemented by special charges, or by gratuities.⁴ In other cases, however, the clerk was underpaid, and doubtless he worked for as much as he could get. The statutory fees might clearly be supplemented by extra copies of the bill obligatory or certificate, especially in contested cases.⁵ Finally, it seems reasonable to suppose that at least the Mayor, if not the clerk, must have received, certainly in the later period, wages or salaries and fees, as a municipal officer, from the town chest. The mayor, however, would not have received fees for writing the instruments (for these went to the clerk), but he was allowed to keep a large proportion of the sealing fees. The effect of the reduction of official charges by the Statute Staple establishments has been alluded to above, and this reform was followed by the fixing of a flat rate for the central establishment for the new procedure in the nature of a Statute Staple under the Act of 1532.⁶ This scale was further revised in later Acts of Parliament.⁷

It will be evident that considerable importance was attached to the due execution of both 'Statutes Merchant' and 'Statutes Staple' by means of appropriate seals which have in many cases survived from a very early date. Matrices of the original seals used in 1283 and 1285 actually exist, though very few impressions remain in a perfect or even intelligible condition.

From the admirable description of these seals given in the well known work of Hope and Jewitt, supplemented by the notes of Percival,⁸ it will be seen that some difficulty may be found in ascertaining the actual dates of the first use of the seals by the respective towns that were favoured with a grant of the procedures of 1283, 1285 or 1311. In some cases, indeed, the original seal was lost or stolen and was

¹ Below, p. xxxviii.

² Statutes of Realm I, 100.

³ Case 12, p. 12.

⁴ Cf. Coventry Leet Book (E.E.T.S.), p. 275.

⁵ For official searches made for parties to Winchester recognizance rolls detained at the Exchequer on suspicion of forgery, see below, pp. 105, 176 sq., and pp. xxxv, xlviii of this Introduction.

⁶ Stat. of Realm III, 372.

⁷ 27 Eliz. c. 4 and 3 Geo. I, c. 15.

⁸ See below, 'List of Authorities' (p. 176 sq.). For local seals see also under Birch and Lloyd Parry.

replaced by a seal cut with differences ; but in spite of these precautions and the external evidence of other records, misconceptions of the dates of the first use of a statutory procedure may be noticed in respect of several towns.¹ Such errors are chiefly due to pressing the analogy of the group forms too far and ignoring the early reproductions of the original seals with 'differences' to obviate the improper use of lost or stolen matrices.² These points should be noted in connexion with the provisional list of the Statute Merchant and Statute Staple towns printed in the Appendix to this Introduction.³

Forgery and Counterfeiting.

In spite of the above precautions, many instances of the forgery of recognizances and the use of bogus certificates and counterfeit seals are to be found among the records or are referred to in pleadings and discussed in the Year Books. Several of these cases are printed or summarized in the present volume, and one at least presents some circumstances which affect a case printed in two volumes of the Society's Year Book Series. The procedure in these cases is mentioned below, and it will be observed that these forgeries affect not only the original recognizance itself (in respect of script or seal or both) but also the enrolments thereof as well as the relevance of the certificates, writs, pleadings or other official documents. Besides or instead of these instruments, the forger, who might here be either the creditor or the debtor, could confine his attention to a false acquittance, a practice then much in vogue owing to the imperfect and desultory system of the local archives. It has been previously suggested that these subtle frauds, which necessitated the intervention of an expert opinion, gave further scope for the activities of the law merchant.

The academic question of the prevalence of forgery through the instrumentality of clerks whose literary skill provided an ever present temptation need not be seriously considered here, but it might prove to be a fact that the indebtedness of ecclesiastical persons and families was the cause of many regrettable incidents in the local history of the fourteenth and fifteenth centuries. In the Parliament of 1345 a petition is alleged to have been presented on behalf of the heir of John de Neweton, representing that brother Henry of Southchurch, a monk of Prittlewell

¹ The certificates, which are the chief source of information in default of the originals, or enrolments of recognizances, were not then available.

² *e.g.* Southampton. Northampton has been assumed, quite gratuitously, to have had an early seal, while the procedure at Newcastle and Appleby has been overlooked. At Salisbury an early grant was not utilized for some years later. In the case of Northampton the legend of a thirteenth-century procedure may have been due to confusion with the appointment of Adam of Northampton at Winchester.

³ Pp. lxxxi-lxxxii.

Priory,¹ had forged a bill obligatory 'upon the law merchant' to the effect that Peter of Southchurch had bound himself before the keeper of London² to Richard of Southchurch, in Ireland, and Thomas [the] Canon in the sum of 600*l.* on the strength of a forged will purporting to appoint him Richard's executor; whereupon Henry brought his suit³ under the Statute for possession of extensive lands which had come to John's wife, Alice, after her husband's death and then to her son and heir John. As the result of this process the land was delivered to Henry, but was afterwards taken into the King's hand owing to Henry's outlawry, 'who died without being convicted of these deceits.' As a result of this petition, the King, having ascertained that no such recognizance could be traced, commanded his justices of the Bench to hear the case.⁴

The Exchequer Standards.

Reference has been made at some length in the previous volume⁵ to the pretensions of the Exchequer officials in connexion with the adjustment of the standards of weights and measures, and two documents are printed here which will supply another illustration of this subject. For further information reference may be made (as previously stated) to the exhaustive and important researches of Professor Bertha Putnam and Sir William Beveridge on the constitutional and economic aspects of the subject respectively. The Downton inquest which was found by the editor many years ago was identified as a fragment of an Assize Roll which records a session of the justices for enforcing the Statute of Labourers and on this occasion also the ordinances against excessive weights and measures.⁶ From this point of view the present document should presumably record the delinquencies and amercements of 'sellers' and 'buyers' within the area of the inquisition to the same effect as is indicated in the record of the Gloucestershire sessions of which a specimen is printed below,⁷ but this does not seem to be the case. It is possible therefore that the inquiry was concerned in this case with stocks of grain secreted by potential traders from the supervision of the market authorities.

Some Observations on the Cases.

The pleadings and other documents selected in the first part of the present volume can only be regarded as illustrating occasional aspects of the case law relating to the statutory recognizances which have been

¹ The editor is indebted for this reference to Mr. J. F. Nichols.

² Ralph of Sandwich.

³ A writ of *Supersedeas Rege inconsulto* was issued from the Chancery to stay the hearing in the Bench, as the original writ was based on a false certificate.

⁴ Calendar of Close Rolls, 1343-1346, p. 641.

⁵ *Law Merchant*, vol. ii, pp. xlvi-li.

⁶ *e.g.* 27 Edw. III, c. 3, and 23 Edw. III, c. 6.

⁷ P. 161.

described in the preceding pages. Some other aspects are mentioned in the cases tabled below or have been discussed by various learned commentators.¹ Further aspects will be found in the great work of FitzHerbert and in the Year Books themselves. To some extent the records and processes of these cases throw light on the evolution and devolution of the statutes and even upon details of their establishment and execution.

An inspection of the Table of Cases and Illustrative Documents printed in this volume² will show that these fall into several groups according to the process indicated by the writ or the issues involved in the pleadings. The primary division is, of course, between pleas of debt and other pleas, but certain pleas of debt may be differentiated by the circumstances of the case, while others have been selected merely as specimens of typical or progressive procedure and others, again, as specimens of palæographical and diplomatic interest. All of them may perhaps be regarded as parts or counterparts of the law merchant procedure, conducted according to its own quaint but practical methods, moving even the courts of common law to abstain from broadening overmuch their phylacteries in market places. In the first division we may group together pleas in the King's Court or in local courts concerning the King's debtors, Jews and Christians, ministers of state, feudal tenants or merchants,³ with other parties,⁴ noting that the process of *Elegit* is seen in several cases⁵ and that others⁶ relate to the later procedure 'in the nature of a Statute Staple.' Typical cases relating to pleas heard in various local courts,⁷ or transmitted to the King's Court by writs of *certiorari*, will also be found here. As stated above, certain select pleas relating to statutory recognizances have seemed worth separate mention here, and those concerned with the following subjects may be grouped accordingly.⁸

A third group of cases and documents comprises specimens of miscellaneous Bonds (some of which are recited in the Plea Rolls), or is concerned with pleadings on other writings obligatory than the statutory Bonds of 1283-1285, 1312, 1353 and 1532. Finally, there are

¹ Professor Plucknett, for example, has dealt with Statutes Merchant or Staple in relation to such matters as Ancient Demesne, Damages, Deceit, *Elegit*, Executors, Mainprise, Minority (*Statutes and their Interpretation*).

² P. 192.

³ Nos. 1-6, 18, App. I.

⁴ Nos. 8, 9, 14, 32, 34, 36, 37, 39, 42-45. App. I, VI, VIII, XV, XVIII (p. 92 sq.).

⁵ Nos. 6, 9, 14, 36, 37.

⁶ Nos. 42-45 and App. XVIII (p. 128).

⁷ 13 (London), Nos. 31, 38 (London), 40, 41 (Exeter), 46 (Winchester), App. X, XI (p. 117 sq.).

⁸ Clergy (No. 26), Conspiracy (No. 19), Contempt (Nos. 21, 22, 23, App. VI, p. 107), Deceit (No. 5), Debt (Nos. 12, 25, 29, 30, 39, 48), Detinue (No. 16), Duress (Nos. 11, 27, 35, App. II, VII, p. 95), Escape from Custody (Nos. 17, 20), Forgery (Nos. 28, 33, App. III, p. 97, App. IX, p. 116 and *passim*), Merchant Status (No. 24, App. IV, p. 106), Minority (No. 49), Partition (No. 39, *see* Debt).

two notes in an Appendix¹ dealing with the archival aspect of the statutory recognizances.

In another Appendix, following the Introduction to this volume, will be found a further selection of documents illustrating the evolution of the establishments of the statutory registries and the nature and use of the official seals.² A few tables have been included to show the several stages of and the various parties to the procedure in connexion with the taking of recognizances and the certification of defaulting debtors for the information of the Chancery, with a view to execution by the secular arm when 'alma mater' of the civic chamber, like 'sancta mater' of the cathedral close, could 'do no more in this part.'³ A table has also been appended⁴ showing the registries established by the Statutes of 1283, 1285 and 1353, and the probable additions or reductions made at different times.

Cases dealing with Special Assizes.

This summary of the first part of the present volume, as stated at the outset of the Introduction, covers only the text of the cases and illustrative documents concerning statutory recognizances. The second portion of the selections comprises chiefly cases and documents from the Assize Rolls and from Chancery or Exchequer *Miscellanea*. As to these, it will perhaps suffice to indicate the general nature and purport of the specimens selected.

The provenance and contents of the 'Special Assizes' included among the Plea Rolls of the thirteenth, fourteenth and fifteenth centuries have not been definitely described because those records represent only the wreckage of a large and disordered collection of judicial records, which was unfortunately less carefully transmitted to the Exchequer Treasury than the Rolls of the Courts at Westminster. Such as it is, however, it provides some useful information on the following subjects, among others that are not so closely related to the study of the law merchant :

Spoil of wreck (to the further loss of the unlucky merchant owners).

Piracy on the sea and outrages or frauds on outside traders in the ports⁵ or fairs.

Official extortions from traders and others by way of purveyance or prise or other devolution of the royal prerogative.⁶

Official inquiries as to customs of markets and fairs with a view to the revision of the existing grants or usages.⁷

Enforcement of the standards of weights and measures.⁸

¹ Nos. XVI, XVII, pp. 125-127.

² App. I-V (pp. liii-lxxxiv).

³ App. VI (p. 108).

⁴ App. VII (pp. lxxxi, lxxxii).

⁵ Cases 1, 4, 5, 11, 14.

⁶ Cases 7, 8, 9, App. VI (pp. 181-182).

⁷ Cases 2, 6, 10, 13, App. I, II, III (pp. 170-174).

⁸ Case 12, App. VII (p. 181).

Official inquiries as to defects in the procedure of local courts or registries.¹

Naturally some interchange or duplication will be found in respect of the presentation of the above subject-matter or procedure. For example, the charges of forgery may be emphasized as connoting felony, conspiracy and even sedition, or modified to falsity or deceit, or differentiated as to the inconsistency of an irregular script or style and a 'counterfeit' seal. The plea that a recognizance or acquittance is not the party's own deed may seem almost conventional and increases our wonder that official cancellation of debts in the statutory recognizance rolls was not substituted in all cases for an expert or casual examination: though a debt cancelled in court was more profitable to the clerks than to the parties. Similarly, an appeal of robbery may seem to involve a charge of conspiracy or maintenance, while forgery is commonly associated with conspiracy and even with duress. Again, contempt may be found in deforcement or in a disrespectful return made once too often by a sheriff. Nevertheless the court had often to be satisfied with a purely academic though interesting problem. The foreign creditor's partner is abroad, and without Spenslow's approval Jorkins cannot venture on a 'Yea' or 'Nay'¹ as to whether the acquittances proffered in court are what they purport to be.

Here and there interesting or difficult points may arise as to the status of an outlawed plaintiff,² or a sheriff who gives preference to his own claim as a creditor.³ In spite of their impassioned advocacy of the law merchant procedure on behalf of busy men, the city fathers could countenance monstrous delays of process in their own courts because the aldermen were otherwise engaged, and the parties must be told to keep their days so that the fiction of a continuous process might be maintained.⁴

There are things, too, that we might like to know as to the procedure on certain points arising from these cases. In particular, was a transcript of the original certificate of default addressed to the Chancellor dispatched to the Sheriff with the original writ from the Chancery, and when the writ to take a debtor's body was returned in the Bench, did a writ of extent and livery issue from the Bench? Again, when the keeper of the greater piece of the seal died or was dismissed, and especially when the authenticity of his archives was vitiated, were the rolls removed to the Exchequer Treasury or was the precedent of Winchester a solitary one? These, of course, are slight and trivial matters, and the answer to some of them is given in the Abridgement

¹ Case 3, App. IV, V, VIII.

³ Case 45 and App. XV.

² Case 41.

⁴ Pp. 118, 119.

and in the later practice books of attorneys and solicitors. They are only mentioned here to remind students of records, and the archivists who cater for them, that it is still difficult to make out the local procedure of these mercantile registries from the few surviving recognizance rolls, or the court rolls and municipal entry books which may be co-ordinated with them. We ought indeed to be thankful for even these few and incomplete series, which might be reinforced from originals among the Chancery *Miscellanea* ¹ and then elucidated by local scholarship. In one of the Chancery returns ² we learn that a merchant of the Staple of Exeter found pledges in the Court of the Mayor and constables to recover a debt from the prior of Cowick, who was summoned to answer but did not come and had no goods in the bailiwick. The bailiff was ordered to have the prior's body and returned that he had taken the body and had it ready. This presumably is merely the conventional process of the court, for which the prior or his attorney had waited before troubling to appear. But what had happened hitherto or what was to happen next we cannot tell, because the Exeter court rolls are missing for many years before and after 7 Henry VI, though Mr. Lloyd Parry and his collaborators might be able to enlighten us from other sources.

It might certainly be possible to discover more cases in local archives for a later period, but the distinctive features of the statutory procedure are becoming blurred in the sixteenth century, and even their conventionality has become common-place. Or is it not possible that the serious demands of Debenham's case (on this border-line) may have exhausted the enterprise or interest of legal antiquaries in the post-mediæval history of this subject?

There is, indeed, scope for more research upon the devolution of the statutory procedure from the reign of Henry VIII to that of George III, to straighten out the clerical procedure or even to link up the humane and sensible Act of Charles II ³ with that of Edward III. ⁴

Cases dealing with the Statutory Procedure.

A few observations follow on those cases that seem to present some special features, such as cross-references to other cases or parties or other external notices. The cases in question have been selected to represent, as far as possible, the several groups that have been previously described.

Olifard v. Bellehus.⁵ Robert Olifard was indebted to Manning, the Jew of Stamford, who was seised, according to the statutes of the

¹ e.g. the County *Placita* (cf. p. 125 sq.).

² *Ibid.*

⁴ 27 Edw. III, c. 9.

³ 29 Chas. II, c. 3.

⁵ Case 6 (p. 5), 1284.

Judaism, of half Robert's lands ; but William le Moyne, then sheriff of Huntingdon, attempted to exact 40s. from Robert in respect of the above debt, although this had been determined before the justices of the Jews, as Robert alleged in the county court,¹ where he vouched to warranty the rolls of those justices ; but as he failed to produce that record before the county court or give security, he was arrested as in contempt.

The defendant had succeeded William as sheriff and distrained Robert for the 40s. as a debt which he owed to William, and he avers that the distraint on William's horses was for 10s. at the Exchequer, and realised 5s. instead of 20s., with damages 20 marcs, as Robert claims.

The court ² ordered that a jury should be chosen in the county court by the sheriff and coronators with assent of the parties, to come before the King at Westminster at Martinmas.

*Windsor v. Limesy.*³ In this case, as entered in the Plea Roll of Michaelmas 14-15 Edward I, we have an instance of the concise entry of common forms of judicial records of the King's court, in striking contrast with the otiose methods of local courts, ever mindful of the importance of keeping their customary jurisdiction and ancient liberties alive.

Here a careful record has been preserved (in case No. 8) of the process employed in giving effect to the provisions of the Statute of Merchants, in satisfaction of the default of an impecunious knight, the progressive action enjoined on the sheriff by the King's writ being conscientiously recited by the scribe who handled the prothonotary's minutes on the previous hearing of the case. It is recorded here that 'the sheriff has done nothing,' though he seems to have done his best by raising ten marcs out of the debtor's goods and chattels, an insufficient levy which was promptly rejected by his creditor. The sheriff is again exhorted to take the debtor's body (which had not been found in his bailiwick) ; but so far there had been no mention of the debtor's land, which would have been available in default of goods, though our record will deal with this (and the 'body' too) in due course.

*Le Moyne v. Priorel.*⁴ The plaintiff here is the ex-sheriff who was alleged to be the real plaintiff in Case 5. Whether the debt due to him was mercantile, or political, or merely usurious, we can scarcely infer from these pleadings ; but it reminds us that the creditor who was secured by a statutory bond could 'elect' to take over half of his debtor's lands instead of waiting for the uncertain results of an official

¹ Presumably at Huntingdon.

² Exchequer of the Jews, then held at Shrewsbury.

³ Case 8 (p. 8), 1285.

⁴ Case 9 (p. 9), 1285.

levy ; and we have seen that this election could also be made under the statutes of the Judaism ; while for another purpose *Elegit* has a statute to itself. The punctilious observance of the statutory exemption of plough-teams from distraint for debt incurred in respect of a statute merchant recognizance is not necessarily in question here, though we have seen the question raised in other circumstances.¹ It is obvious that the texts of the several recognizances on which actions for debt were based could not be recited at length in the certificates issued for the information of the Chancery or in the process of the King's court, to which the further hearing of the matter had been assigned. In the present case, the writ of *levari facias* cited, as recorded in the Plea Roll, seems to refer in the same sentence to the appraisal of chattels (that must be taken first) and to the land that may be extended in default of goods or chattels ; or rather, to half the land, an amount already available in satisfaction of debts by the process of *Elegit*.² In the present case, however, we have to do with a Statute Merchant taken before the mayor and clerk of Lincoln, while the proceeds of the land when realized were to be brought up by the sheriff.

Adderbury v. Limesy.³ Richard, grandson of Master Thomas of Adderbury, has suggested to the King that Richard of Limesy (who was defendant in a case previously mentioned ⁴) conspired with Master Richard of Middleton to charge the lands of Ernburga, daughter of Ralph of Bray and wife of Richard of Limesy, she being bound with her husband in a statute merchant taken in London for 600*l.*, as though she were *femme sole* (her husband having then no lands), in deception of the King's court, as she could not really be so bound. Whereupon Ernburga infeoffed Master Thomas of the manor of Southbourne as his free tenement, until he had levied his debt and the damages, to his no small expense and loss through this deception.

The King, therefore, wishing to provide a remedy for such fraud, malice and deception, orders his justices of the Bench to hear the reasonings of the parties and diligently examine the matter, with a view to establish the facts and emend what has been improperly attempted without delay. Precept to the sheriff accordingly.

Re Cowley ; Lambyn v. Sheriffs of London.⁵ The complainant had caused William Cowley to be taken for a debt of 500*l.* (recognized before the mayor and clerk of London) by the sheriffs for custody, according to the Statute ; but they permitted the debtor to depart without satisfying this debt ; to the grave damage of Lambyn and against the

¹ *Law Merchant*, vol. ii, pp. xxiv, 40-41. Cf. McKechnie, 'Magna Carta,' *passim* and Stat. of Realm I, 197.

² Stat. Westm. II, c. 18.

⁴ Case 8.

³ Case 15 (p. 21), 1308.

⁵ Case 20 (p. 28), 1313.

Statute. As the sheriffs do not appear, the coroners distrain them to be mainperned before the King. Thereupon the attorney of the mayor and community comes and claims the liberty of the city (according to its charters).

As the city only plead their liberty, it would appear that the debtor was not a clerk as in Honeylane's Case (printed below, from the Exchequer Plea Roll).¹ In that Case a debtor was released from Newgate after being committed to the custody of successive sheriffs (who duly accounted for him) until he was released by virtue of the King's writ, having been claimed by the Bishop of London as a clerk. The plaintiff recovers his 'letter' (presumably the 'bill obligatory') from the sheriffs with a view to further action, possibly in the Chancery or by ecclesiastical pressure.

Segrave v. Kimbolton.² This is one of a group of Cases (*cf.* Nos. 21 and 22) from the Midland wool counties, in which resistance to the process of the King's Court for enforcing the statutory procedure against defaulting debtors is reported as a contempt. It is possible, but not probable, for reasons stated below, that the names of the parties to some of the numerous enrolments of bonds acknowledged in the King's court during the reaction of 1312-1322 may imply a political motive, while a like significance might be attached to the locality affected in cases of resistance to the execution of recognizances in the Palatinate of Lancaster or the honour of Bolingbroke.³ In this Case, the Court displayed an unwonted irritability in connexion with the sheriff's return of *non possumus*, and 'because this sort of return by the sheriff redounds in contempt, dishonour and manifest disinheretance of the lord King,' the coroners are ordered to attach him and have him before the King to answer therefor. In the meantime the sheriff himself is ordered to attach those guilty of the resistance reported to him.⁴ In view of the dates of the taking of these recognizances the resistance was more likely to have been due to economic than to political unrest. The financial operations of a wool merchant like Gilbert of Chesterton⁵ indicate the importance of industrial rather than feudal interests during the early years of the fourteenth century in respect of the administration of Statutes of Merchants.

*Conduit v. Horsham*⁶ and *Bolet v. Hansum*⁷ are two famous cases

¹ Case 17 (p. 23).

² Case 23 (p. 32), 1314.

³ K.R. 27/222/52, where bonds for large sums, with clauses of defeasance, are acknowledged by members of well-known West Country families.

⁴ P. 33.

⁵ App. VIII, *passim*.

⁶ Case 24 (p. 33), 1314.

⁷ Case 26 (p. 37). For this and the preceding case, see Stats. of Realm I, 99, *Reg. Omn. Brev.* 148, City of London Court Roll (b) m. 5, Cal. Justic. Rolls Ireland, p. 233, and the references in the text and Appendices of this volume.

in which we see the constitutional antagonism between the King's Court and Household and the city of London carried a stage further. In these cases there was a rather impudent claim for exemption from the effects of the procedure set up for the benefit of merchants in 1283 and 1285 on the ground that in the former case the defendant sued by a merchant was not himself a merchant, while in the latter case he proved to be a clerk in Holy Orders. The interest of these cases being much wider than that pertaining to the Statutes of Merchants cannot be usefully discussed, though the documents printed here may assist further study of the subject.

Despenser v. Stratton.¹ This case is one of the few that end 'happily,' or end at all, in this volume. It is true that we may wonder why Sir Richard de Stratton was bound to Hugh le Despenser in 1305; why he made default in that year, why no proceedings thereon seem to have been taken before 1315, why in this year a retainer of the all-powerful favourite of the late and present Kings admitted that the debt was paid finally and when the payment had been made. Alone, the fortunate event that the creditor was satisfied and the debtor's lands restored to him, is recorded here; but a moral is conveyed therein, that he who acknowledges a bond should be able to produce an acquittance when it is paid, and the cancelled bond as well. It is obvious, however, that in many actions to recover debts there is only a question of account depending on a small balance detained by the debtor, the payment of which, together with the production of acquittances for previous payments, is followed by his discharge in full. All the same, it is surprising how many cases may be found, then as now, in which instalments of a debt were paid more than once through the carelessness or misfortune of a debtor.²

Scryveynor v. Salveyn.³ This case forms part of an extensive investigation of offences imputed to Gerard Salveyn, the notorious escheator and sheriff of Yorkshire, by a special commission which was charged to invite all persons aggrieved to attend and prosecute. It may be a fitting testimony to the long string of outrages mentioned in the information that they were credited by a local jury,⁴ but the point with which we are chiefly concerned is the issue between the parties with regard to the alleged execution of a statute merchant for 60*l.* against the complainant by the defendant through duress, together with the detaining of the money by the defendant and the extortion of further sums for necessities other than the bread

¹ Case 25 (p. 36), 1315.

² E. 13/30/35a (see Case 20, and cf. *Rot. Parl.* I, 385, where a deceitful action by the creditor is exposed; cf. p. 105 n.).

³ Case 27 (p. 40), 1315.

⁴ Cf. Drake, *Eboracum*, p. 195.

and water which should have been temporarily supplied under the Statute. The jury seems to have found that imprisoning the complainant without warrant and fettering him with a dead prisoner were proved acts committed against the peace and to William's loss of 1000*l*.

It was useless for Salveyn to insist that he only acted in his official capacity by virtue of the King's writ in execution of a Statute Merchant recognizing a debt due to a York merchant and at the latter's instance, and that instead of 60*l*. he only received 18*l*. in part payment of the prisoner's debt ; but the jury may have awarded the 40*l*. damages by deducting 18*l*., besides 40*s*. for cash extorted by the gaoler, from the debt of 60*l*. which the debtor claimed to have paid. It would, perhaps, be possible to verify this part of the evidence from the files of York certificates of debts that are still preserved.¹

By a curious coincidence the name of the sheriff who took over the custody of the unfortunate Pontefract scrivener from Gerard Salveyn was the same as that of the official concerned in the torture of the Jews in York castle more than a hundred years before,² and by a further coincidence the York merchant whose bond was exploited by Salveyn was John le Gras, sometime mayor of York and namesake of the mayor of Winchester who figures with two others of that surname in the amazing forgeries and frauds at Winchester which have been mentioned at some length elsewhere in this volume.³

Chapleyn v. Gerard.⁴ In some respects this case is of even more sensational interest than that just noticed. Thomas the Chaplain comes to prosecute for the lord King, but he was actually in pursuit of a Statute Merchant recognizance, for which he raised the Hue and Cry upon Luke Gerard, a clerk (possibly 'of Oxenford') into whose hands it had come as 'a chattel' of Walter, Bishop of Coventry, etc., the King's masterful Treasurer. This first scene is staged in the county court at Warwick, where the chaplain accuses Gerard of falsifying and counterfeiting the seal for merchants' recognizances at Oxford in sedition of the lord King, and this is averred by the production of the original recognizance, found upon Gerard, which is denounced as a forgery and impounded. The Chaplain's pledges for prosecuting this felony will be found to be our old friends at Adderbury,⁵ and, stranger still, the very bond now under suspicion purports to acknowledge the indebtedness of Master Thomas of Adderbury to bishop Walter. Here

¹ Chancery Files G.

² Malebise, i.e. 'evil beast.'

³ No. 19 and App. III (p. 97), App. V (p. 177).

⁴ Cases 28 and 33 (pp. 43 and 54), 1318-28.

⁵ Oxfordshire and Warwickshire. See Cases 8 and 15. The shady transactions of this coterie in connexion with a bogus statute merchant will be recalled (pp. 8 sq. and 21 sq.).

again, as in Salveyn's case, the King's part is intent on amercement or even forfeiture, but on this occasion the references to the *pièce de conviction* are more instructive. The King's court is the scene of these further proceedings. Luke Gerard tells the justices that he obtained the recognizance from his brother, John, who bought it from a Shropshire man, now dead. John is sent for and the mayor and clerk of Oxford are required to produce all the recognizances affecting the Bishop during the past and present reigns. Then the mayor and clerk of Oxford attend and depose that they took no such recognizance from Master Thomas, and the Bishop comes and asserts that he claims nothing by the Statute or the debt that it records. At a further session of the court the recognizance and its seal are critically inspected, and the jury say precisely that Luke and John by mutual consent falsely made the bond and counterfeited the King's seal. Therefore the court awards that the document is to be annulled. No ordinary claims the prisoners, who are recommitted. John seems to have died, but Luke remained in gaol till 1327, when he was conditionally pardoned for the King's service in Scotland, his wife's property having been meanwhile forfeited by his felony.

In the case of *Le Cerf v. Le Cerf*,¹ we find pleadings that remind us of the Chancery cases nearly a century later that have been printed by the Selden Society. Here William grants a lease of lands to Thomas, who may have been his brother, and he also binds himself in a 'statute merchant' for 20*l.* not to disturb Thomas during the term of his lease. On his part Thomas likewise binds himself not to commit waste or distrain during the term, these conditions being expressed in the form of a defeasance whereby both bonds are to be void in case of due performance. William dies and at the suggestion of common friends Thomas agrees to give up the lands in favour of William's heir, and at the same time all contracts and obligations between William and Thomas are to be annulled; but when Thomas has fulfilled his side of the agreement he is confronted with the bond for 20*l.* which William's heir has not cancelled and on which he is preparing to sue as William's executor.

In *Dosyon v. Jernagan*² the pleadings are very simple, though the clear-cut issue between the parties is referred to a mixed jury of native and foreign merchants, a procedure which savours of the law merchant. Here one of the Suffolk Jernagans is sued in the Exchequer court by a Gascon merchant for a sum acknowledged two years previously before the Barons. The debtor's attorney proffers an acquittance for the sum in question which the creditor declares to be no deed of his, and the

¹ Case 29 (p. 47), 1321.

² Case 30 (p. 49), 1326.

issue is referred to the mixed jury. Such transactions, as we know, had for long past been conducted in the Exchequer, on one excuse or another,¹ and they may also be regarded as having been originally derived from the curial activities of the departments of the Marshal and Steward of the royal household.²

Supplementary Cases and Documents.

A good deal of material might be found among the Special Assizes and other judicial inquisitions, for further study of requisitions by means of the royal prerogative. Here again devolution through unworthy hands is sometimes to blame for the odium incurred by high-handed action, though in some cases it may seem to have been justified by the circumstances. Thus John de Flavel and others were attached for many defaults committed at the expense of John de Bishopstone, chaplain, who counts that the defendants assaulted him and took his corn at Bishop's Cannings from the stack by force of arms, doing damage of 100*l*.

Flavel pleaded that as constable of Devizes he was ordered by the King to victual the castle and that as constable he looked how he might do this with the least harm to the countryside. The jurors, impanelled for that purpose, having declared on oath that such stores as were needed, especially of grain, could best be got, and with the least hurt to the countryside, from the barn of the manor recently let on lease to the plaintiff and stocked by the Dean and Chapter of Salisbury, he sent the porter of the castle to buy the said grain, but this being refused the porter returned empty-handed, and so the grain was taken, but no other trespass was made and John pleads not guilty and asks that it may be inquired into.

Perhaps, in view of the swift and stern action always taken against those who obstructed the provision of munitions of war (or of tithe charges), the enterprising methods of this chatelain may have been condoned.³

In another case, however, during the political unrest of the next reign, the constable did not fare so well at the hands of ecclesiastics.

Here John le Warde and his wife, with the vicar of Hacheston and Master John of Badingham, were attached to answer Robert le Bolle of Framlingham Castle on a charge of ravishing and detaining Isabella his wife, together with linen, plate and woollen cloth worth 100*l*., against the Statute. The father pleaded that his daughter was married with a covenant that she should live with him for the next three years.

¹ See *Law Merchant*, vol. ii, Cases 26 and 29.

² *Ibid.*, p. xliii sq.

³ K.B. 27/113/3d. This case is not printed here; cf. also K.B. 27/221/74, and *Magna Carta* (Edw. I), c. 19 sq.

During this period Robert took her away, but as he brought in other women to live with him, so that the vicar was constrained to cite him before the official of the countryside, Isabella returned to her father who received her (and her trousseau) according to the covenant, so that nothing was done against the Statute or the peace.¹

As has been stated by the editor elsewhere, some cases included in the final selection have not been described in this Introduction, because sufficient material is given in the text and in the Introduction, and more space than is available would be needed for this purpose in such a case as *Goldington v. Bassingbourn*, for which a good deal of supplementary information has been collected. One point may, however, be emphasized in this connexion.

Mr. Winfield, in his excellent study of the development of the law of conspiracy,² refers to the report of this case in the Year Book (Maitland's edition), and calls attention to the narrow border between writs of conspiracy and of deceit ; and this must be evident in some at least of the cases printed here relating to forgeries of statutory recognizances. Even the impassive justices seem moved to distinguish between 'conspiracy of falsity' (amounting to felony or verging on sedition) and deception of the court or party that has been carried out by virtual conspiracy. We can scarcely doubt that if the court in Bassingbourn's case had learnt as much about the Winchester forgery as came to light afterwards³ its indignation might have got the better of its judicial caution.

Another point may be of interest in connexion with some cases printed below. That of Michael of 'Meldon,'⁴ parson of the church of Campsall, Yorks, is one of several which suggest the possibility of duress or extortion, committed or countenanced in connexion with payments or abject submissions made by friends or allies of feudal 'contrariants' in unquiet times. Michael himself may have been either a kinsman of William of Melton, archbishop of York, or a native of Meldon, Devon (according to our interpretation of his arrest as a Yorkshireman and a Lancastrian partisan, or as a Devonian undergoing the paternal chastisement and pastoral fleecing of his diocesan bishop) and he was apparently a trustee for some portion of the Lancastrian estates, as other priests or chaplains had been or became in earlier and later times. As such he could be made to pay for his temerity and be left to find a ransom from his patron's estates. The cold-blooded terms of this transaction are stated very precisely in the documents printed

¹ K.B. 27/225/1. This case is not printed here.

² *History of Conspiracy and Legal Procedure*, 1921 (Camb. Studies in English Legal History).

³ Below, App. III (p. 92), App. V (p. 176 sq.).

⁴ There are several notices of his attachment to the Lancastrian cause.

below, and they were to be enforced by the effectual procedure of a recognizance entered in the Chancery. This was in 1324, and in 1328, under the statutory indemnity, Master Michael succeeded in compelling the murdered bishop's executors to cancel the bond and forego the residue of the debt.

Meldon's case does not stand alone, for *Cotham v. Tuchet* reminds us of the fate of another rebel in whose estates more than one financially-minded bishop was interested.¹ Towards the close of the twelfth century, the wise and scholarly treasurer, Richard, bishop of London, can tell us, with grim humour, how the bright young tax assessors of earlier times came to be known² as 'the King's sleuth-hounds'; and to their contemporaries, who had noted some inhuman methods, the treasurer-bishops of the late thirteenth and early fourteenth centuries might well have seemed a mew of old, wary and rapacious hawks.

The iniquities attributed to the Edwardian judges and subordinate judicial ministers under their supervision during the extensive inquiry into their administration of justice between 1287 and 1289 are recalled by the case of *Cropper v. Stratton*,³ and those charges especially affected the Escheatry under Henry of Bray.⁴ Professor Baldwin has called attention⁵ to the systematic activities of the Escheatry in the reign of Edward III and suggests that those encroachments on the landed interests had increased since the reorganization of this outlying department of the Exchequer by the expansion of its establishment into Northern and Southern divisions under Henry III.

The activities so acutely defined by Professor Baldwin may have been justified in the case of the Yeovil market dues appropriated by Master Robert Sambourn (whose career is particularly instructive). However this may be, other cases point to the prevalence, not only of harshness and oppression on the part of royal ministers and departmental officers of the Chancery and Exchequer, but also of official graft.

It may seem unprofitable or even rash to form any conclusion as to the personal integrity of mediæval rulers or their ministers, for every age has its own standard of political and social morality, and the milk of human kindness does not curdle with the lapse of centuries, though the sense of duty or honour may be blunted by avarice or by ambition.

In view of inevitable conditions that determined the constitutional, economic and social environment of the age, it is scarcely surprising that the inflexible principles of justice (which did mostly govern the procedure of the law and custom of the Realm and determine the

¹ Cf. Calendars of Close and Patent Rolls.

² *Dialogus*, p. 104.

³ Below, p. 95.

⁴ R. Hist. Soc., Camden, 3rd ser., vol. ix, p. 85.

⁵ Selden Society, vol. xxxv, p. lxxi sq.

verdicts of juries and awards of justices) should sometimes be obscured and belated ; or that learned clerks and practical traders should be attracted by the glamour of the law merchant with its democratic traditions and its prompt and business-like procedure.

The association of a 'court merchant' with a 'merchant town' and of both with a 'law merchant' is not very definitely stated in municipal or public records of the fourteenth and fifteenth centuries. In London, however, it is interesting to find that this 'court merchant' is persistently associated with an inner chamber of the Guildhall, which again is concerned with the execution and custody of recognizances by the city chamberlain, with the audit and arbitration of accounts and the examination of the parties or witnesses in mercantile suits by the mayor and aldermen sitting as a 'court of conscience,' and generally using the procedure of the law merchant. It is possible, indeed, that here the city chamberlain's department was consciously following the precedent of those departments of the Royal Household which claimed and exercised, until much later times, jurisdiction both in causes according to the law and custom of the realm and in recognitions of debt, statutory or otherwise. In the case of *Burton v. Davy*, reported below,¹ the procedure of this London 'court merchant' is mentioned in some detail. Here the plaintiff is a 'supplicant' in a suit to enforce payment of a Letter of Exchange, made out at Bruges on London, which has come before the Bench on a *certiorari*, and has been remitted by the justices to the city court for trial according to the law merchant, namely by an action to be decided by a jury of merchants or by examination of the parties or witnesses and by production of evidence. And so, when the defendant cannot deny the facts alleged and proved by witnesses and documents, the 'supplicant' is awarded the amount of his claim with damages.²

Interesting information in connexion with both judicial and economic procedure continues to be derived from Partnership cases, pointing to the existence, generally, of a business-like understanding between native and foreign merchants alike, even though, from time to time, offending nationals had to be disciplined and heedless rulers coerced.

Among the Statute Merchant certificates in the Chancery files of the early fourteenth century a letter is preserved from the mayor and

¹ P. 117 ; cf. p. xxxiii.

² It may be reasonably suspected that (as is seen at Bristol and elsewhere) the city's legal adviser exaggerated the individuality of this 'court merchant,' which anyhow was unable to sit when the mayor, etc., were engaged with other business. London, however, was the most notable seat of the law merchant procedure, which can be profitably studied in numerous cases from the city's Plea Rolls, summarized by Mr. A. H. Thomas in his admirable Calendar.

community of York to the King, complaining that the Count of Holland has not given satisfaction for the losses of Walter le Fleming, citizen of York, and has paid no attention to the King's letters or to the representations of Walter's attorney and delegates of the community of York, who have reported from personal observation in Holland that justice had been callously denied to Walter in the Count's courts. In these circumstances reprisals are demanded and were obtained ; but the fact that here (as at Yarmouth and elsewhere) the intervention of the royal Chancery was not invoked till the resources of the local Chancery were exhausted is worthy of notice. More interesting still are the occasional notices of the enterprise, whether centripetal or local, of the rising generation of English merchant adventurers, financiers and contractors,¹ brought to the front by the ruination of Jews and Lombards and the emergencies of warfare during more than a hundred years, but representing the importance of the East Coast ports rather than of the West Country fulling mills.

Literature and Language.

Like other lists appended to the text, the List of Authorities includes chiefly works that are specially applicable to the present aspect of the subject, with a view to indicating the method and perhaps the limitations of its treatment here. Apart from this, the editor had no intention of attempting anything like a review of the literature of the subject. In such an attempt it might have seemed desirable to refer to an amazing crop of technical errors in the interpretation of the extant documents as well as in the conventional accounts of the statutory procedure. These slips have been noted by the present editor and his former collaborators, who are too conscious of the imperfections of their own methods to be ungrateful for the valuable assistance of still earlier pioneers.

A more serious question is raised by the researches among local records referred to in this and the preceding volumes, from which it would appear that the records of fair courts and kindred documents have continued to disappear since the dates of successive Reports of Royal Commissions or Committees between 1800 and 1910. In this connexion the recommendations of the Commissioners in 1919, and especially of the Local Records Committees of 1902, 1921 and 1930, as recently approved and co-ordinated by the Master of the Rolls, should

¹ *e.g.* De la Pole, John of Wesenham, the two Melchbournes and Gilbert of Chesterton, a precursor of the Cely family of wool staplers.

be observed by all who value the traditions and associations of their countryside.

It was intended that the linguistic difficulties or interest should be dealt with in a Glossary to supplement that appended to Volume I, but since the date of that publication, in 1907, the significance of legal and economic terms and place-names has been elucidated by the researches of specialists or learned societies.¹

Finally, it may be proper to remind the reader that the real purpose of this collection is the elucidation of a certain phase of judicial procedure, and that we are only incidentally concerned with such historical facts or theories as may supervene, a reminder which is not superfluous when even formula books of palæographical and diplomatic instruction have been pressed into the service of topographical and genealogical research. For this reason alone an exhaustive index to the present volume did not seem justified, especially as it has already exceeded the space usually allotted for this purpose.

¹ A card index of economic and social terms and bibliography has been prepared by former students of the London School of Economics and will soon be available in its Library.

APPENDIX TO INTRODUCTION.

I.

REFERENCES TO THE DEVELOPMENT OF STATUTE MERCHANT AND STATUTE STAPLE PROCEDURE IN THE CLOSE ROLLS, 1284-1376.¹

² 11 May 1284, Harlech. King to sheriff of Surrey. Whereas the King has been certified by the mayor and clerk of London that James of Kings on, Goldsmith, acknowledged a debt of 40s. according to the Statute of Acton Burnell before them and has not yet paid, the King orders the sheriff to levy the same from James's lands and chattels in his bailiwick and deliver to his creditors.

³ 14 July 1284, Carnarvon. Thomas de Berkeley acknowledges that he owes Baruncin Walters and his fellows, merchants of Lucca, 700 marcs, to be levied, in default, on his lands, etc., co. Gloucester.

Memorandum : that on 27 December 13 Edward I the above merchants came and remitted this sum to Thomas and looked to the King for payment thereof ; who satisfied them : Whereupon the Chancellor, by William de Hamelton, ordered the recognizance to be cancelled : and for greater security William de Aubeny and Robert de Berkely have granted that the same sum shall be levied from their lands and chattels in Thomas's default, and that they will cause this recognizance to be made at Bristol under the seal of the merchants there.

⁴ 24 July 1284, Carnarvon. The King sends to the sheriff of Essex and Herts his Statute for certain debts to be acknowledged before those appointed to take recognizances thereof ; ordering the sheriff to cause the King's writs directed to him to be executed according to the form of that Statute. The like precept is made to the sheriffs of Lincoln', Middlesex, Surrey, Sussex, Northampton, Oxford', Cambridge', Huntingdon', Kent, Southampton and Hereford.

⁵ 12 Sept. 1285, Winchester. Memorandum of delivery to the clerk of the Justiciary of Ireland of certain Statutes made and provided by the King and his Council [including the Statutes made for merchants] to be carried to Ireland, there to be proclaimed and observed.

¹ For further references in the Close Rolls to the direction of the procedure in Statute Merchant and Staple recognizances, see the cases printed below, particularly pp. 106-116 and 125, 126, 131, 132.

² Close Roll, 12 Edw. I, m. 6d.

³ Ibid., m. 4d.

⁴ Ibid. ⁵ For the importance of this entry in connection with the distribution of the statutory seals appointed in 1283 and 1285, see below, App. VI, *passim*.

⁵ Close Roll, 13 Edw. I, m. 3d.

¹ 10 October 1306. Precept for the sheriff of Northampton to release Robert de Crevequer, knight, from prison if he be detained there for the following cause and no other : viz. that the mayor and clerk for recognizances of debts at Chester having certified the King that Robert acknowledged a debt of 25*l.* to William de Sprotton, payable yearly for the lives of Robert and Isolda his wife, and not yet paid ; by pretext whereof William brought the sheriff a writ to take Robert's body returnable before the King, as though the debt were clear according to the form of the Statute. The sheriff returned that the bailiffs of Northampton have full return of the writ and have Robert's body in their custody till he satisfy William of that debt. The King considers further that this recognizance was made outside the form of the Statute and that the writ emanated from his court surreptitiously and that the execution thereof was made to the injury of the law and custom of the realm.

² 26 May 1306, Westminster. Memorandum : that William Vavassur, knight, came into the Chancery, in the Chapel of the Converse, London, on Sunday in Holy Trinity, and acknowledged before William de Hamelton, then Chancellor, that he was satisfied for 15½ marcs, in which Elias de Whitelay was bound to him by the form of the Statute of Acton Burnell, and he granted that the letters he has for that debt shall be of no value hereafter.

³ 6 Feb. 1304, Dunfermline. Although lately the King, having understood that William But (elected to have the custody of the greater piece of the seal for the Statute of Merchants at Norwich) was unable to execute the duties of that office, ordered the bailiffs to elect another in his place ; yet now understanding that William has conducted himself faithfully in that office and is competent to perform the duties thereof, the King orders him to intend the custody and office aforesaid according to the form of the Statute until other order is made, so that those wishing to make recognizances there be not delayed or damaged by his default.

⁴ 18 Dec. 1311. The King to the mayor, bailiffs, etc., of York for the election of one of the wisest and richest men of that city to have charge of the King's seal for recognizances of debts according to the Statute of Merchants and to perform, with the clerk in charge of the smaller piece of that seal, what pertains to that office, the Ordainers of the kingdom having ordained that the keepers of the King's seals hereof shall be elected by the communities of the towns assigned for the same.

The like to the mayor, etc., of Nottingham.

⁵ 22 May 1319, York. Memorandum : that the greater piece of the seal for taking recognizances at Northampton, according to the Statute of Merchants sent with the smaller piece by the Treasurer and Chamberlains under the Exchequer seal to the Chancellor, was delivered by him on 21 May to Philip de Caysho, mayor of Northampton, elected by the community of

¹ Close Roll, 34 Edw. I, m. 3.

³ Ibid., 32 Edw. I, m. 14.

⁵ Ibid., 12 Edw. II, m. 8d.

² Ibid., m. 13d.

⁴ Ibid., 5 Edw. II, m. 18d.

that town to have the custody of the said seal according to the form of the Statute.

On the same day the smaller picce was delivered to William de Burgo, clerk of the same town, to be kept as above, and he has a commission thereof as on the roll of Patents, and impressions of the above seals were placed in a box.

¹ 13 Feby. 1327, Westminster. Order for Henry de Seccheford to deliver, by indenture, to William de Hedersete or to Richard de Mersheton, clerk, his substitute, the smaller part of the King's seal for receiving recognizances of debts according to the Statute of Merchants in the city of London and all rolls and memoranda concerning the office in his custody, the late King having committed the custody of that part to William for his life by letters patent, with provision that he might execute the same by another sufficient clerk for whom he would answer; and William substituted the aforesaid Richard in his place, who executed that office until it was committed to Henry by the late King during his pleasure, contrary to the letters patent aforesaid; wherefore William besought the King to provide a remedy.

² 23 October 1338, Kennington. The King to the Treasurer and Barons of his Exchequer. Whereas certain galleys manned by pirates which invaded Southampton have carried off the greater part of the seal for recognizances of debts there; so that those to whom recognizances have been made cannot procure execution thereof, and others cannot be made according to the Statute of Acton Burnell, whereupon the King has been besought to provide a remedy; he hereby orders the Treasurer and Barons to cause another seal to be cut, with 'differences,' and to send it to the Chancery without delay, so that the King may cause what is necessary to be done, according to the said Statute.

With order to the sheriff of Southampton to cause proclamation to be made that no credence shall be given to any letters or obligations under the former seals, since the King has enjoined the treasurer and barons to cause a new seal to be made.

³ 15 August 1342, The Tower. The King to the sheriffs of London. Because the lesser part of the seal for recognizances ordained in the port of London according to the Statute of Acton Burnell, remaining in the custody of the clerk deputed to receive them, has been lost by accident, as the King has heard, whereupon the King ordered another part of that seal to be newly made with another impression, for the use of the above clerk; the King, willing that the part that was lost should lose its force (since letters certificatory concerning Thomas Otway of London, draper, were recently sealed, as John of Oxford, mayor of London, has certified in the Chancery) and that the new part should be deputed henceforth, orders the sheriffs to cause the premises to be proclaimed and to display the impression of the new seal, which the King sends them; to all who may be concerned.

¹ Close Roll, 1 Edw. III, Part 1, m. 17.

² Ibid., 12 Edw. III, Part 3, m. 30.

³ Ibid., 16 Edw. III, Part 2, m. 34d.

¹ 10 November 1345, Westminster. Order to the Treasurer and Barons for the seal for recognizances, according to the Statute of Acton Burnell, at Coventry to be newly made and delivered to the mayor and to the clerk, Robert de Chandos, to whom the King has committed the custody of the lesser part during his good behaviour, with a substitute to be deputed by the King's licence.

² 6 June 1349, Woodstock. It having been shown to the King that the condition of defeasance of a Statute Merchant (namely, paying 40*l.* for 60*l.*), having been satisfied, the mayor and sheriffs of London are notified that the recognizor is not to suffer grievance in respect thereof.

³ 8 Aug. 1352. Case of Geoffrey of Middle Lane, a minor.

⁴ 15 July 1374. A recognizance (Statute Merchant) made before the mayor of London in 2000 marcs; with the condition that payment shall be made at four stated terms in the house of a certain citizen of London, provided that the recognizors shall not be bound to make such payments unless they have an acquittance of every payment. The Statute Merchant to be surrendered on completion of payment.

⁵ 7 Feb. 1375. Writing obligatory of Philip de Brompton for himself and Alice, his wife, executrix of William de Burton, being a release to William de Notton of all actions, etc., by reason of a Statute Merchant whereby William de Notton was bound to William de Burton and another, citizens and goldsmiths of London, in 100*l.* to save them harmless in respect of security for 77*l.* 6*s.* 8*d.* in which they were bound to William de Nottone at the Exchequer (as appears by indentures of defeasance), whereby William saved and acquitted the said sureties, recorded in the Exchequer. With memorandum of acknowledgement by Philip de Brompton.

⁶ 10 August 1376, Westminster. The sheriff of Kent is ordered to notify John Kelesham to be in the Chancery to show cause wherefore execution of a writ sued by him against William Whyte of Tunstalle, co. Kent, should not be stayed, William having shown that in Jan^r, 47 Edward III, he made a recognizance before the mayor of the Staple of Queensborough to John Kelesham for 40*l.*, with indenture of defeasance on payment of 28*l.* which has been paid. William is mainperned by these sureties to appear in the Chancery under a mainprise of 60*l.*

⁷ 1 March 1375. Precept to Richard Arnold, goldsmith of London (upon the petition of Helmyng Leget the King's Esquire, deputed to keep the smaller piece of the seal for recognizances of debts at London according to the Statute of Acton Burnell), to cause another seal of that office to be wrought, by advice and information of the said Helmyng, with all speed and delivered to him, as his petition shows that the said piece has been craftily taken from him.

¹ Close Roll, 19 Edw. III. Part 2, m. 7d.

² Ibid., 23 Edw. III, Part 1, m. 11d.

⁴ Ibid., 48 Edw. III, m. 17d.

⁶ Ibid., 50 Edw. III, Part 2, m. 20d.

³ Ibid., 26 Edw. III, m. 13d.

⁵ Ibid., 49 Edw. III, m. 47d.

⁷ Ibid., 49 Edw. III, m. 41d.

II.

REFERENCES TO APPOINTMENTS FOR THE CUSTODY OF MERCHANT
AND STAPLE SEALS IN THE PATENT ROLLS, 1286-1343.

¹ 1286, May 10. John of Bauquell, citizen of London, appointed, during the King's pleasure, to the custody of the merchants' seal in all fairs within the realm, and to execute the office there.

² 1288, Feb. 15. John le Espicer appointed to the same custody in the city of York, in like manner as James de Lissinton, deceased, held the same.

³ 1288, Nov. 4. Robert de Sexdecim Vallibus appointed to the custody of the smaller seal in the city of York, in like manner as John le Espicer held the same, who is ordered to deliver the seal to Robert.

⁴ 1289, Dec. 8. Adam, son of Martin of Lincoln, appointed King's clerk for the same custody in the city of Lincoln.

⁵ 1290, Feb. 18. Wm. Godknave and John Lightfot of Hereford appointed to the custodies of the merchants' seal and counterseal in the city of Hereford; the larger piece to William, and the smaller to John.

⁶ 1290, Dec. 3. John de Rampston, King's clerk, for the custody of the smaller piece of the seal of merchants' recognizances in Nottingham.

⁷ 1291, Oct. 23. Simon of Burton, mayor of Bristol, and Richard of Calne, clerk, appointed to the custody of the merchants' seal and counterseal in the town of Bristol; the larger piece to Simon, and the less to Richard.

⁸ Oct. 31. Robert le Mercer, mayor of Chester, and Henry of Lichfield, clerk, for the merchants' seal and counterseal in the town of Chester; the greater piece to remain with Robert, and the less with Henry.

⁹ 1302, Jan. 28. John de Aunc, clerk, for the custody of the smaller piece in Winchester.

¹⁰ 1303, Jan. 8. Robert Martyn of Bristol, clerk, granted the custody of the smaller piece in Bristol at the instance of Mary, the King's daughter, nun of Ambresbury; Wm. of Staunton, clerk, having been removed, it appears by inquisition made by Nicholas Fermbaud, constable of Bristol Castle, that at the time of his appointment he did not reside and has not since resided there or attended to the office as he should; so that knights, merchants and others coming to the town to make recognizances there, after staying there at great expense, have had to return with their business not done.

¹ Patent Roll, 14 Edw. I, m. 11.

³ Ibid., m. 4.

⁵ Ibid., m. 35.

⁷ Ibid., m. 3.

⁹ Ibid., 30 Edw. I, m. 33. See p. 97 sq.

² Ibid., 16 Edw. I, m. 15.

⁴ Ibid., 18 Edw. I, m. 45.

⁶ Ibid., 19 Edw. I, m. 25.

⁸ Ibid., m. 2.

¹⁶ Ibid., 31 Edw. I, m. 43.

¹ 1304, Feb. 10. Thomas de Bikedon of Shrewsbury, clerk, for the custody of the smaller piece in Shrewsbury in the place of Robert de Buckenhale, who has been removed, as it appears by testimony before the King that he is not a fit person and does not attend to the office personally, as he ought. Mandate to Robert to deliver to Thomas the said piece, with the roll of recognizances.

² 1304, April 10. Thomas of Burton, clerk, for the smaller piece in Newcastle-on-Tyne, in the place of Robert de Clyvedon, clerk, deceased—the said Thomas to execute the office in person. Nicholas of Carlisle, mayor, to deliver the said piece, with the rolls and recognizances said to be in his custody, to the said Thomas.

³ 1304, June 24. Adam Poveray of Winchester, the elder, for the custody of the smaller piece in Winchester in consideration of the services of Adam Poveray, the younger, his son.

⁴ 1304, Oct. 1. Gilbert Haukyn, clerk, for the lesser piece in Newcastle-on-Tyne.

⁵ 1305, April 11. Alexander of Norton, clerk, for the smaller piece in Shrewsbury during 'good behaviour.'

⁶ 1305, Dec. 29. Edward, son of John of York, the King's godson, for the smaller piece in York, replacing Robert de Sexdecim Vallibus, clerk, broken down with age. Mandate to the said Robert.

⁷ 1306, Aug. 14. Thomas de Pirye, clerk, for the smaller piece in Oxford.

⁸ 1307, 3 Sept. Robert Benedicite, clerk, for the same in Norwich.

⁹ 1307, 3 Sept. Adam, son of Martin, clerk, for the same in Lincoln.

¹⁰ 1307, 30 Sept. John of Bakewell and Henry of Leicester, clerk, for the same in London.

¹¹ 1307, 14 Oct. Thos. of Alverthorpe, clerk, for the same in York.

¹² 1307, 28 Oct. Thos. de Pyrye, clerk, for the same in Oxford.

¹³ 1307, 30 Oct. Jo. Sparwe, clerk, for the same in Norwich.
Wm. de Heywode, clerk, for the same in Exeter.

¹⁴ 1307, 14 Oct. Roger de Stanes, clerk, for the same in Bristol.

¹⁵ 1307, 14 Oct. William Byck', clerk, for the same in Nottingham.

¹⁶ 1307, 14 Oct. Reginald de Charmes, for the same in Shrewsbury.

¹ Patent Roll, 32 Edw. I, m. 26. See pp. lviii, lx.

² Ibid., m. 22.

³ Ibid., m. 14. See p. lviii sq.

⁴ Ibid.

⁵ Ibid., 33 Edw. I, Part 1, m. 6.

⁶ Ibid., 34 Edw. I, m. 38 (Schedule).

⁷ Ibid., m. 9.

⁸ Ibid., 1 Edw. II, Part 1, m. 19.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid., m. 10.

¹⁵ Ibid.

¹⁶ Ibid.

¹ 1327, 4 Feby. Adam de Brom, clerk, for the same in Oxford.

² 1327, 9 April. William de Burgo, clerk, for the same in Peterborough.

³ 1327, 24 May. Hugh of Kirkham, clerk, for the same in York.

⁴ 1327, 23 July. Matthew de Crauthorne, clerk, for the same in Exeter.

⁵ 1327, 18 Oct. Richard le Curzoun for the same in Nottingham.

⁶ Grant to the citizens of Canterbury that they shall have a seal, in two pieces as is customary, for recognizances of debts in their city pursuant to the Statute of Merchants, and that the larger part of the seal shall remain in the custody of the mayor or keeper of the city or of one of the good men, if there be no mayor or keeper, and the smaller piece in the custody of a clerk to be appointed by the King.

⁷ John Baret of London appointed to the custody of the smaller piece of the seal at Canterbury during pleasure.

⁸ John Baret of London appointed to the custody of the smaller piece of the seal at Canterbury for life.

⁹ 24 May, 1341, Westminster. Petition has been made to the King on behalf of Edward, duke of Cornwall and earl of Chester, the King's son, and of the mayor and good men of the town of Lostwithiel, that a seal for the recognizances of debts pursuant to the Statute of Merchants may be established in the said town, and the King grants that such a seal shall be had there; to wit, the larger piece in the custody of the mayor or keeper of the town for the time being, and the smaller piece in the custody of a clerk appointed by him and his heirs.¹⁰ By K.

¹ Patent Roll, 1 Edw. III, Part 1, m. 7.

² Ibid., m. 5.

³ Ibid., Part 2, m. 20.

⁴ Ibid., m. 5.

⁵ Ibid., Part 3, m. 14.

⁶ Ibid., 10 Edw. III, Part 1, m. 30.

⁷ Ibid., m. 26.

⁸ Ibid., m. 19.

⁹ Ibid., 15 Edw. III, Part 2, m. 47.

¹⁰ This compendious exposition of the office probably expresses the official practice with respect to appointments for the seal. At Oxford the counterpart of the seal was held by the 'King's clerk of the same town.'

III.

PROVISION MADE BY THE CHANCERY FOR RECOGNIZANCES UNDER
THE MERCHANT SEAL TO BE DULY TAKEN AT SHREWSBURY,¹
1327-1330.

Edwardus Dei gracia Rex Anglie, Dominus Hibernie et Dux Aquitanie, ballivis et probis hominibus ville sue Salopesbirie salutem. Quia Thomas Colle, nuper custos melioris pecie sigilli nostri ad recogniciones debitorum secundum formam Statuti Mercatorii in villa predicta accipicndas deputatus, peciam illam ad Cancellariam nostram de mandato nostro portavit, et eam venerabili patri Johanni Cicestrensi episcopo Cancellario nostro liberavit, vobis mandamus quod ad custodiam pecie predictæ, quam quibusdam de causis in aliquo diversificari fecimus et quam vobis remittimu in eadem villa pro recognicionibus hujusmodi moraturam, aliquem alium probum hominem ville predictæ eligi faciatis, prout alias fieri consuevit. Et talem eum eligi faciatis qui melius sciat et possit officio tali intendere. Et nomen ejus nobis scire faciatis. Teste me ipso, apud Westmonasterium, x die Novembris, anno regni nostri primo.

[*Indorsed*] Thomas de Bykedon ² electus est ad officium majoris pecie sigilli domini Regis ad recogniciones debitorum mercatorum, secundum mandatum domini Regis infra contentum.

³Edwardus Dei gracia rex Anglie, Dominus Hibernie et Dux Aquitannie dilectis sibi Thome le Formon et Rogero Pryde, ad recogniciones debitorum apud Salopesbiriā accipiendas deputatis, salutem.

Monstravit nobis Ricardus filius Johannis Manyword quod cum Johannes Normon nuper recognovisset coram Thoma de Byketon' et Rogero de Hamon,⁴ tunc clerico ad recogniciones debitorum in eadem villa Salopesbirie accipiendas deputatis, se teneri prefato Ricardo in viginti marcis, juxta formam Statuti dudum apud Acton Burnel pro mercatoribus editi, certis terminis solvendis. Et licet termini solucionis predictæ jamdiu est sint elapsi; idemque Ricardus vos sepius requir[eri] fieri ut nos in Cancellaria nostra de recognicione predicta, juxta formam Statuti predicti, certificaretis, vos tamen in Cancellaria nostra super recognicione predicta hucusque certificare distulistis, et adhuc differtis, in ipsius Ricardi dispendium non modicum et gravamen, et contra formam Statuti predicti. Et quia eidem Ricardo in hac parte nolumus injuriari, vobis mandamus quod scrutatis rotulis predictorum Thome et Rogeri, hujusmodi recogniciones contingentibus, et in custodia vestra, ut dicitur, existentibus, si inveneritis recognicionem predictam in forma predicta fieri et terminos solucionis predictæ elapsos esse, ut est dictum, tunc vos super recognicione predicta in Cancellaria nostra distincte et aperte, juxta formam

¹ Chancery Miscellanea 128/2.

² See above, p. lviii.

³ Chancery Miscellanea 128/2.

⁴ Possibly for Haughmond, see below.

III.

Edward, by the grace of God King of England, lord of Ireland and Duke of Aquitaine, to the bailiffs and worthy men of his town of Shrewsbury, greeting. Because Thomas Colle, lately appointed as keeper of the better piece of our seal for taking recognitions of debtors in the town aforesaid according to the form of the Statute Merchant, brought that piece to our Chancery by our mandate and delivered it to the venerable father John, bishop of Chichester, our Chancellor, we command you that for the custody of the piece aforesaid (which for certain causes we have made to differ in some respects and which we send back to you to remain in the same town for use in recognitions of that sort) you do cause a man of the town aforesaid to be elected, as has used to be done at other times. And you are to cause such a man to be elected as may best know and be able to intend to such an office. And you are to make us to know his name. Witness myself, at Westminster, the 10th day of November in the first year of our reign.

[*Indorsed*] Thomas de Bykedon is elected to the office of the [custody of the] greater piece of the seal of the lord King for recognitions of the debts of merchants, according to the mandate of the lord King contained within.

Edward, etc. [*as above*] to his beloved Thomas le Formon and Roger Pryde, appointed to take recognitions of the debts of merchants at Shrewsbury, greeting.

Richard, son of John Manyword, has shown to us that whereas John Normon lately recognized, before Thomas de Byketon and Roger de Haughmond, then clerk, appointed to take recognitions of debts in the same town of Shrewsbury, that he was bound to the aforesaid Richard in twenty marcs, according to the form of the Statute sometime put forth for the merchants at Acton Burnell, to be paid at certain terms. And although the terms of the payment aforesaid be now long past, and the same Richard did often cause you to be requisitioned that you would certify us in our Chancery concerning the recognition aforesaid, according to the form of the Statute aforesaid, you nevertheless have hitherto put off certifying our Chancery concerning the recognizance aforesaid, and still put it off, to the no small cost and grievance of him, Richard, and against the form of the Statute aforesaid. And because we are not willing that the same Richard be injured in that part, we command you that after scrutinizing the rolls of the aforesaid Thomas and Roger touching recognitions of this sort and existing in your custody, as it is said, if you shall have found the recognition aforesaid to be made in the form aforesaid and the terms of payment to have elapsed, as is said, then you should certify us without delay, distinctly and openly in our Chancery, concerning the recognition aforesaid, according to the form of the

Statuti predicti sine dilacione certificaretis. Et si causa rationabilis subfuerit, quare id facere non debetis, tunc nos de causa illa sub sigillis vestris distincte et aperte reddatis certiores; hoc breve nobis retornantes. Teste me ipso, apud Wyntoniam, xvj die Martis, anno regni nostri quarto.

[*Indorsed*] Thomas de Bykedone et Rogerus de Hagmon mortui sunt, nec aliquos rotulos de recognicionibus coram ipsis factis in custodia[m] nostra[m] dimiserunt; nec executores eorum nobis aliquos rotulos de hujusmodi recognicione nobis liberaverunt. Quare vobis de recognicione in brevi contento¹ certificare non potuimus.

IV.

TYPES OF STATUTE MERCHANT AND STATUTE STAPLE CERTIFICATES (1284-1530).

(1) ²Venerabili patri in Christo ac domino suo karissimo R[obertus] dei gratia Bathoniensi et Wellensi episcopo, illustris Regis Anglie Cancellario, sui G[ilbertus] de Rokesle major Londonie et Johannes de Bauquell' clericus ad recogniciones debitorum accipiendas deputati, salutem, cum omni reverencia et honore.

Dominacioni vestre reverend[issime] significamus per presentes quod Johannes de Markedell' de comitatu Essex' venit coram Henrico le Waleys, tunc majore Londonie, et Johanne, clerico predictis, et recognovit se teneri Willelmo Barage, civi Londonie, in tresdecim libris et quattuor solidis argenti, solvendis eidem festo Sancti Michaelis anno regni regis Edwardi duodecimo, alioquin quod current super eum districtio et pena in Statuto dicti domini Regis apud Acton Burnell' edito provise.

Et quia predictus Johannes terminum sue solucionis in nullo observavit, nec bona mobilia habeat, sub districtu nostro, de quibus dictum debitum levare possit, reverende dominacioni vestre supplicamus quatenus scribere jubeatis vicecomiti Essex' quod eundem ad solucionem dicte pecunie, quam terminis predictis debuit, juxta formam Statuti predicti compellat.

Valeat dominacio vestra reverendissima diu et bene.

(2) ³Reverendissime discrecionis viro, illustri domini Regis cancellario, vel ejus locum tenenti, sui humiles et devoti Robertus de Stratfeld, custos majoris pecie sigilli domini Regis de recognicionibus debitorum apud Suthantonam, et Robertus de Stayndrope, clericus ejusdem domini Regis, ad hujusmodi recogniciones ibidem accipiendas deputati, obedienciam, reverenciam et honorem.

¹ 'contemto' in roll.

² Chancery Files G, 1. A certificate made under the Statute of Acton Burnell, 1283.

³ Chancery Miscellanea G, 82. This certificate is drafted in an ornate style. It refers to a recognizance of 1284.

Statute aforesaid. And if a reasonable cause should exist wherefore you should not do this, then you are to certify us distinctly and openly under your seals concerning that cause ; returning to us this writ. Witness myself at Winchester, the 16th day of March in the fourth year of our reign.

[*Indorsed*] Thomas de Bykedone and Roger of Haughmond are dead, nor have they sent any rolls of recognitions made before them into our custody ; nor have their executors delivered to us any rolls touching a recognition of that description. Wherefore we could not certify you concerning the recognition described in the writ.

IV.

(1) To the venerable father in Christ and his very dear lord R[obert] by the grace of God bishop of Bath and Wells, Chancellor of the illustrious King of England, his own Gilbert de Rokesle, mayor of London, and John of Bakewell, clerk, appointed for receiving recognitions of debts, greeting, with all reverence and honour.

We signify to your very reverent lordship by the presents that John de Markedell of the county of Essex came before Henry le Waleys, then mayor of London, and John, the clerk, aforesaid, and recognized that he was bound to William Barage, citizen of London, in thirteen pounds and four shillings of money, to be paid to the same [William] at the feast of S. Michael in the twelfth year of the reign of King Edward, and otherwise that the distraint and penalty provided in the Statute of the said lord King put forth at Acton Burnell should run upon him. And because the aforesaid John has in no wise observed the term of his payment nor has he any goods from which the said debt can be levied, we supplicate your reverent lordship that you do order a letter to be written to the sheriff of Essex that he may compel the same [John] to the payment of the said money, which he owed at the terms aforesaid according to the form of the Statute aforesaid. May your very reverent lordship fare long and well.

(2) To him of most revered discretion, the illustrious Chancellor of the lord King, or to his lieutenant, his humble and devoted Robert of Stratfield, keeper of the greater picce of the seal of the lord King for recognitions of debts at Southampton, and Robert de Stayndrope, clerk of the same, lord King, appointed for taking recognitions of this sort there, obedience, reverence and honour.

Quia Henricus Pashe de Colcestria et Johannes Pashe de Brightlingeseye senior, mercatores de comitatu Essex', venerunt coram nobis apud Suthantonam primo die Octobris anno regni regis Edwardi Tercii a Conquestu quarto decimo, in presencia Johannis Forst, tunc majoris dicte ville Suthantone [*and four others*],¹ ejusdem ville Suthantone coburgensium, et recognoverunt se, et unumquemque eorum insolidum pro se, debere Johanni de Bayon', civi et mercatori civitatis Cycestrie de comitatu Sussex' quinquaginta libras sterlingorum, pro quibusdam mercandis ab eo emptis, solvendas eidem Johanni vel suo certo attornato apud Londoniam in domo Henrici le Vanner, diebus subscriptis, videlicet in festo Purificationis Beate Marie Virginis, tunc proximo futuro, viginti et quinque libras; et in festo Pasche, tunc proximo sequenti, viginti et quinque libras sterlingorum; sine aliqua dilatione ulteriori. Et nisi fecerint, concesserunt quod currant super eos et super quemlibet eorum, per se, heredes, et assignatos suos, districtio et pena in Statuto domini Regis de recognicionibus debitorum apud Acton Burnel et Westmonasterium edito et ordinato.

Et quia predicti Henricus Pashe et Johannes Pashe non satisfecerunt predicto Johanni de Bayon' de predicto debito ad dies supradictos, ut dicitur, dominacioni vestre reverendissime supplicamus quatenus scribere jubeatis vicecomiti dicti comitatus Essex' ut ipsos Henricum et Johannem Pashe ad solutionem dicti debiti faciendam, juxta formam Statuti predicti, compellat.

Valeat et vigeat multiplicetur dominacio vestra per tempora longiora.

Data Suthantone, quarto die Septembris, anno regni dicti Regis Edwardi decimo septimo.

(3) ²Reverendo viro et discreto domino illustri Regis Anglie cancellario sui humiles et devoti Thomas de Yafford, major ville de Kyngeston' super Hull' et Johannes le Barber clericus ad recogniciones debitorum apud Kyngeston super Hull', juxta formam Statuti apud Acton Burnell pro mercatoribus editi accipiendas deputati, salutem cum omni reverencia et honore.

Reverende dominacioni vestre per presentes significamus quod die Sabbati proxima post festum Ascencionis Domini, anno Domini millesimo ccc^{mo}xxxvj^{to} et anno regni regis Edwardi Tercii a Conquestu decimo, Willelnius Broun de Horncastre in comitatu Lincoln' in predicta villa . . ., coram Johanne de Barton, tunc majore ville . . ., et Roberto de Denton', tunc clerico ejusdem ville . . ., recognovit se teneri Willelmo de la Pole de Kyngeston' super Hull' mercatori in ducentis marcis argenti ex causa mutui, quas ci solvisse debuit ad festum Assumpcionis Beate Marie Virginis tunc proximo sequens, sine dilacione ulteriori, juxta formam Statuti predicti; et eas eidem Willelmo de la Pole . . . mercatori nondum solvit, ut dicitur.

Quocirca vos humiliter requirimus et rogamus quatenus vicecomiti Lincoln' scribere jubere velitis quod eundem Willelmum Broun de Horncastre in comitatu Lincoln' ad solutionem dicti debiti prefato Willelmo de la Pole faciendum, juxta formam Statuti predicti, compellat.

¹ The witnesses required by the Ordinances of 1311; probably guild-brethren.

² Chancery Miscellanea G, 82. This certificate was made in respect of a debt incurred *ex causa mutui*, the moneylender being William de la Pole himself.

Because Henry Pashe of Colchester and John Pashe of Brightlingsea, the elder, merchants of the county of Essex, came before us at Southampton on the first day of October in the 14th year of the reign of King Edward, the Third from the Conquest, in the presenee of John Forst, then mayor of the said town of Southampton [and four others] fellow burgesses, and reeognized that he owed to John of Bayonne, citizen and merchant of the city of Chichester, of the county of Sussex, fifty pounds sterling for certain merchandises bought from him to be paid to the same John or to his ceertain attorney, at London, in the house of Henry le Vanner, on the days under-written, namely on the Feast of the Purification of the Blessed Mary the Virgin then next coming, twenty-five pounds; and on the Feast of Easter then next following, twenty-five pounds sterling; without any further delay. And unless they did this they granted that the distraint, etc. [*as above*].¹

And because the aforesaid Henry Pashe and John Pashe have not satisfied the aforesaid John of Bayonne for the aforesaid debt at the days stated above, as it is said, we supplicate your very revered lordship that you do order the sheriff of the said county of Essex to be written to, that he do compel them, Henry and John Pashe, to make payment of the said debt according to the form of the statute aforesaid.

May your lordship fare well and flourish manifoldly through long ages. Dated at Southampton the fourth day of September in the seventeenth year of the reign of the said King Edward.

(3) To the revered one and discreet lord, the illustrious Chancellor of the King of England, his humble and devoted Thomas de Yafford, mayor of the town of Kingston-on-Hull and John the Barber, clerk, appointed for taking recognitions of debts at Kingston-on-Hull according to the form of the Statute put forth at Aeton Burnell for the merchants, greeting with all reverence and honour.

We signify to your revered lordship by the presents that on the Saturday next after the Aseension of The Lord, in the Year of The Lord 1336 and in the tenth year of the reign of King Edward, the Third from the Conquest, William Brown of Horncastle in the county of Lincoln', in the town aforesaid before John of Barton, then mayor of the town . . . and Robert of Denton, then clerk of the same town . . . recognized that he was bound to William of the Pool of Kingston-on-Hull, merehant, in two hundred mares of silver by way of loan, which he ought to have paid to him [*de la Pole*] at the Feast of the Assumption [*etc.*] then next following, without further delay, according to the form of the Statute aforesaid; and them he has not yet paid to William of the Pool . . . merchant, as it is said.

Wherefore we humbly seek and ask that you will order the sheriff of Lincolnshire to be written to, that he may compel the same William Brown of Horncastle in the county of Lincoln' to make payment of the said debt to the before-mentioned William of the Pool.

¹ The statutes of 1283 and 1285 are both invoked here as a composite instrument.

Valeat dominacio vestra per tempora longa.

Datum apud Kyngeston super Hull die Sabbati proxima ante festum Saneti Michaelis Archangeli, anno predicti domini Regis Edwardi Tereii in Anglia a Conquestu decimo septimo, et regni sui Francie quarto.

[*Indorsed*] Lincoln'. Coram Justiciariis.

(4) ¹Excellentissimo principi et domino suo domino Henrico Dei gratia Regi Anglie et Francie et domino Hibernie, vestri humiles ligei Johannes Aldewyke major ville vestre regie de Kyngeston' super Hull et Hugo Clyderhowe, clericius ad recogniciones debitorum apud villam vestram regiam predictam accipiendas deputati, omnimodas reverencias et honores, et per eum semper regnare per quem universi reges catholici regnant et principes dominantur.

Quia Willelmus Hatyrbergh, Robertus Lyndsey, Robertus Sqwyer, Robertus Smyth, Johannes Smyth de Wyghton' in comitatu Ebor' et Johannes Rose de Lond'[esburgh'] in eodem comitatu, yomen, venerunt apud villam vestram regiam predictam coram Roberto Holm', tunc majore ville vestre regie prediete, et me prefato Hugone, tunc clerico ad recogniciones debitorum apud villam vestram regiam predictam accipiendas deputatis, quartodecimo die Junii, anno regni vestri sextodecimo et recognoverunt eos et quemlibet eorum debere Willelmo Lasselles clerico septem libras et decem solidos sterlingorum bone monete Anglice, quas ei solvisse debuerunt ad festum Purificacionis Beate Marie Virginis quod esset in anno Domini millesimo quadringentesimo tricesimo nono, sine dilacione ulteriori, et eos nondum solverunt, ut dicitur.

Vestram igitur rogamus regiam majestatem quatenus vicecomiti vestro Ebor' mandare velitis quod prefatos Willelmum Hatyrbergh [*and the others*], compellat ad solvendum predicto Willelmo Lasselles summam supradictam juxta formam Statuti inde editi et provisi. Et vestram excellentissimam regiam majestatem conservet prosperam et felicem Trinitas Benedicta.

Date apud villam vestram regiam predictam, vicesimo sexto die mensis Aprilis, anno regni vestri decimo octavo.

[*Indorsed*] Eboracum. Coram justiciariis de banco, a die Sanete Trinitatis in xv. dies.

(5) ²Reverendo viro et discreto domino Roberto de Sadyngton militi ac illustri domini Regis Anglie et Francie cancellario, sui humiles et devoti Johannes Hamond, major civitatis Londonie, et Willelmus de Carleton, clericius, ad recogniciones debitorum accipiendas in eadem civitate deputati, salutem eum honore.

Vobis significamus per presentes quod Thomas de Enefelde de comitatu Essex' die Sabbati proxima post festum Saneti Petri quod dicitur *Ad Vincula* anno regni Regis Edwardi Tercii post Conquestum decimo septimo, regni vero sui Francie quarto, venit coram Simone Franceys nuper majore Londonie

¹ Chancery Files G, 169. This specimen is dated 1439 and was set down for Trinity Term 18 Henry VI. The style is characteristic of that period.

² Chancery Files G, 82. A London certificate under the procedure of the Statute of Merchants, 1285.

May your lordship fare well through long ages.

Dated at Kingston-on-Hull, on Saturday next before the Feast of S. Michael the Archangel, in the seventeenth year of the aforesaid lord King Edward the Third in England after the Conquest, and the fourth of his reign of France.

[*Indorsed*] Lincoln. Before the Justices.

(4) To his most excellent prince and lord, the lord Henry by the grace of God King of England [*etc.*], your humble lieges John Aldwyke, mayor of your royal town of Kingston-on-Hull, and Hugh Clyderhowe, clerk, appointed to take recognitions of debts at your royal town aforesaid [*wish*] all manner of reverences and honours, and that you may ever reign through Him through Whom all Catholic Kings do reign and princes have sway.

Because William Hatyrbergh [*and 5 others*] . . . in the county of York . . . came to your royal town aforesaid before Robert Holm', then mayor of your [*etc.*], and me the before-mentioned Hugh, then clerk, appointed to receive recognitions of debts at your [*etc.*], on the 14th day of June in the sixteenth year of your reign and recognized that they and each of them owe to William Lassells, clerk, seven pounds and ten shillings sterling of good money of England, which they ought to have paid to him at the Feast of the Purification [*etc.*] which should be in the year of The Lord 1439, without further delay, and them they have not yet paid, as it is said.

Therefore we ask your royal majesty that you will command your sheriff of Yorks' that he is to compel the before-mentioned William Hatyrbergh [*and the others*] to pay to the before-mentioned William Lasselles the sum abovesaid, according to the form of the Statute put forth and provided. And may the Blessed Trinity preserve your most excellent Majesty in prosperity and happiness.

Dated at your [*etc.*] the twenty-sixth day of the month of April in the eighteenth year of your reign.

[*Indorsed*] York. Before the justices of the bench. In 15 days from the day of the Holy Trinity.

(5) To the revered man and discreet lord, Robert de Sadington, knight, and illustrious Chancellor of the lord King of England and France, his humble and devoted John Hamond, mayor of the city of London and William of Carleton, clerk, appointed to take recognitions of debts in the same city, greeting with honour.

We signify to you, by the presents, that Thomas of Enfield, of the county of Essex, on Saturday next after the feast of S. Peter (which is called 'At Chains') in the seventeenth year of the reign of King Edward, the Third after the Conquest, but the fourth of his reign of France, came before Simon

et dicto Willelmo de Carleton', tunc clerico, ad recognitiones debitorum accipiendas deputatis, et recognovit se teneri Galfrido le Botiller, civi et pannario Londonie, in quadraginta libris sterlingorum secundum formam Statuti pro mercatoribus editi, quas ei solvisse debuit in Quindena Sancti Michaelis Archangeli, tunc proxima sequente, et eas ei nondum solvit, ut dicitur.

Et quia predictus Thomas terminum sue solutionis non observavit, vobis humiliter supplicamus quatenus vicecomiti Essex' in forma debita scribere velitis, quod eundem Thomam ad solutionem dicti debiti eidem Galfrido faciendam, juxta formam dicti Statuti, compellat.

In cujus rei testimonium, sigillum officii de recognitionibus debitorum presentibus est appensum.

Valeatis in Christo.¹

(6) ²A tres reverent pier en Dieu, Chaunceller nostre seigneur le Roi, certifiant par icestes les meire et conestables de l'Estable de Westmoustier que Simond de Mordan', marchant de mesme l'Estable, vient devant nous compleignam de Johan Clere de Ewell en plee de dette de qarrant et deaux liveres par une obligacione. Et le dit Johan ne nulles de ces biens ne sont trovez deinz le dite Estaple. Sur quoi feismes garnir par noz lettres, enseales du seal de nostre office, le dit Johan d'estre en court devant nous a certain jour, ja passee, a respoudre au dit Simond. A quel jour il ne verroit venir, en contcmpt du dite Estaple. Par quoi plese a vostre tres honore seigneur ent ordeigner covenables remedies.

Escrip en la dite Estaple de Westmoustier, le dis et septisme jour de Novembre, l'an du regne le Roi Edward Tierz puis le Conquest d'Engleterre trentisme tierz.³

(7) ⁴Egregio viro Thome More, militi, domino Cancellario illustrissimi domini nostri Regis Anglie, ad vestre dominacionis mandata paratus, Thomas Seymor, miles, major Stapule Westmonasterii ad recognitiones debitorum in eadem Stapula accipiendas deputatus, reverenciam et honorem. Dominacioni vestre significo quod duodecimo die Octobris, anno regni domini Regis nunc vicesimo secundo, Johannes Grene, civis et grocerus Londonie, venit coram me, prefato Thoma Scymor, tunc majore Stapule Westmonasterii ac constabulariis ejusdem, et recognovit se teneri Thome Babham, civi et grocero Londonie, in viginti et novem libris sterlingorum per formam Statuti Stapule predictae, pro mercatoribus editi; quas eidem Thome solvisse debuisset in festo Natalis Domini tunc proximo futuro, et eas ei nondum solvit, ut dicitur. Et quia prefatus Johannes solutionis sue terminum predictum non observavit,

¹ This certificate is indorsed 'Essex: Coram justiciariis de banco.' Another certificate (for Yorkshire) bears the indorsement: 'Coram justicariis. Eboraci: Reponatur in filacio de anno xvij Regis Edwardi Tercii.' Some local variants may be found elsewhere.

² Chancery Files G. 82. Certificate from the same to the same, suggesting that the default of the recognizer is a contempt of the Staple.

³ Official seal in red wax 'en placard.'

⁴ Chancery Files (O.S.). A sixteenth-century specimen. The style of Statute Merchant certificates in this later period may be best seen in local archives.

Franceys, late mayor of London, and the said William of Carleton, appointed to receive recognitions of debts, and recognized that he was bound to Geoffrey the Butler, citizen and draper of London, in forty pounds of sterling according to the form of the Statute put forth for merchants, which he ought to have paid to him in the Quindisme of S. Michael the Archangel, then next following, and then he has not paid to him, as it is said.

And because the aforesaid Thomas has not observed the term of his payment, we humbly supplicate you that you will write to the sheriff of Essex in due form that he is to compel the same Thomas to make payment of the said debt to the same Geoffrey according to the form of the said Statute.

In witness of which thing the seal of the office of recognitions of debts is appended to the presents.

Fare ye well in Christ.

(6) To the very reverent father in God, Chancellor of our lord the King, the mayor and constables of the Staple of Westminster certify by these [presents] that Simon of Morden, merchant of the same Staple, came before us complaining of John Clere of Ewell in a plea of debt of forty-two pounds by reason of an obligation. And [neither] the said John nor any of his goods are found within the said Staple; wherefore we caused the said John to be warned, by our letters sealed with the seal of our office, to be in court before us on a certain day, now passed, to answer the said Simon. At which day he came not in contempt of the said Staple. Wherefore please it your very honourable lordship to ordain a remedy therefor.

Written in the said Staple of Westminster, the seventeenth day of November, in the thirty-third year of the reign of the King Edward, Third since the Conquest of England.

(7) To the distinguished man, Thomas More, knight, Chancellor of our most illustrious lord the King of England, Thomas Seymour, knight, mayor of the Staple of Westminster, appointed to receive recognitions of debts in the same Staple, reverence and honour. I signify to your lordship that on the 12th day of October in the twenty-second year of the reign of the now lord King, John Green, citizen and grocer of London, came before me the before-mentioned Thomas Seymour, then mayor of the Staple of Westminster, and the constables of the same and recognized that he was bound to Thomas Babham, citizen and grocer of London, in twenty-nine pounds sterling, by the form of the Statute Staple aforesaid, put forth for merchants; which he ought to have paid in the Feast of the Birth of The Lord, then next coming, and he has not yet paid them to him, as it is said. And because the before-mentioned John has not observed the aforesaid term of his payment, I

dominacionem vestram humiliter deprecor quatenus eundem Johannem ad dicti debiti sui solucionem prefato Thome Babham faciendam juxta formam Statuti predicti, compellere velit dominacio vestra prelibata.

Date in dicta Stapula viccsimo primo die Aprilis, anno regni regis Henrici Octavi vicesimo secundo.

[*Indorsed*] Londonia. Coram domino Rege in Cancellaria sua in Crastino Ascensionis Domini.

V.

NOTIFICATION OF ELECTIONS OF MAYORS AND CONSTABLES
OF STAPLES.

(1) ¹Reverende discrecionis viro, Michaeli de la Pole, illustris domini Regis Anglie Cancellario, sui humiles major et constabularii ac tota communitas mercatorum Stapule domini Regis apud Westmonasterium, salutem, cum omni reverencia et honore.

Scire dignetur vestra dominacio reverenda, quod in festo Translacionis Sancti Thome Martiris, anno regni Regis Ricardi Secundi nono, congregatis universis mercatoribus, tam alienigenis quam indigenis dictam Stapulam frequentantibus, pro eleccione majoris et constabulariorum predictorum pro anno futuro facienda, prout moris est, Willelmum de Walleworth, militem, in majorem, Ricardum Morell et Johannem Clenhond in constabularios Stapule predictae pro anno futuro, unanimi assensu et consensu elegimus.

Date in dicta Stapula, quintodecimo die Julii, anno supradicto.²

(2) ³Reverende discrecionis viro, Michaeli de la Pole, illustris domini Regis Anglie Cancellario, sui humiles . . . constabularii ac tota communitas mercatorum Stapule domini Regis apud Westmonasterium, salutem, cum omni reverencia et honore.

Scire dignetur vestra dominacio reverenda, quod vicesimo quarto die Decembris, anno regni predicti domini Regis Anglie nono, congregatis universis mercatoribus, tam alienigenis quam indigenis, dictam Stapulam frequentantibus pro electione majoris loco Willelmi de Walleworth defuncti, nuper majoris ejusdem Stapule, a die presenti usque diem Translacionis Sancti Thome Martiris proximam futuram facienda, Nicholaum de Brembre in majorem, Johannem Clenhond et Ricardum Morell in constabularios Stapule predictae pro anno futuro, unanimi assensu et consensu elegimus.

Data in dicta Stapula Westmonasterii die et anno supradictis⁴ . . .

¹ Chancery Files G, 126. Certificate of the election of a mayor and constables of the Staple at Westminster returned to the Chancery in 1386.

² There is no seal or indorsement. From 1353 to 1460 these elections are entered in the Staple Rolls (Chancery Enrolments).

³ Chancery Miscellanea G, 126. Certificate from same to same of the election of a mayor in place of William of Walworth, deceased (1385).

⁴ The notification of his election, dated 15 July, 9 Richard II, is printed above, No. 1.

humbly pray your lordship that your lordship beforesaid may be willing to compel the same John to make payment of his said debt to the before-mentioned Thomas Babham according to the form of the Statute aforesaid.

Dated in the said Staple on the twenty-first day of April in the twenty-second year of the reign of King Henry the Eighth.

[*Indorsed*] London. Before the lord King in his Chancery on the Morrow of The Lord's Ascension.

V.

(1) To him of revered discretion, Michael de la Pole, illustrious Chancellor of the lord King of England, his humble mayor and constables and the whole community of merchants of the Staple of the lord King at Westminster, greeting, with all reverence and honour.

May your revered lordship deign to know that in the Feast of the Translation of S. Thomas the Martyr, in the ninth year of the reign of King Richard the Second, all the merchants frequenting the said Staple, as well alien as native, being assembled for making election of the mayor and constables aforesaid for the year to come, as the custom is, with the unanimous assent and consent we did elect William of Walworth, knight, as mayor, Richard Morell and John Clenhond as constables of the Staple aforesaid for the year to come.

Given in the said Staple, the fifteenth day of July in the year above said.

(2) Return made 24 December, 9 Richard II, to the Chancellor in the same form notifying the election of Nicholas of Bramber as mayor, on the death of Sir Wm. Walworth ; with the same constables.

(3) ¹Reverendo domino illustrissimi Principis et Domini nostri Regis Anglie Cancellario, sui humiles et subjecti major, constabularii et communitas mercatorum Stapule ville de Sancto Botulpho reverencias quas poterunt et honores.

Quia per communem assensum nostrum Johannes Stoye in officium majoratus Stapule ville de Sancto Botulpho, Johannes Bate et Philippus Williamson in officium constabulariorum ejusdem Stapule, pro anno proximo futuro, sunt electi, placeat vestre dominacioni dictum Johannem Stoye in majorem et dictos Johannem Bate et Philippum Williamson in constabularios Stapule predictae per litteras metucndissimi domini nostri Regis patentes confirmare; ad faciendum et exercendum omnia et singula que ad officia predicta pertinent, et prout in hujusmodi Stapula fieri consuevit.

Date apud dictam villam Sancti Botulphi, sub sigillo Stapule predictae, vicesimo secundo die Junii anno regni Regis Edwardi quarti vicesimo primo.²

¹ Chancery Files G, 179. Certificate to the Chancery of the election of a mayor and constables of the Staple at Boston (1481).

² For variants of this style see Introduction, p. xxvii.

(3) To the revered lord, the Chancellor of our most illustrious prince and lord, the King of England, his humble subjects the mayor and constables and community of merchants of the Staple of the town of S. Botulph [offer] what reverences and honours they can.

Because by our common assent there have been elected John Stoye to the office of mayor of the Staple of the town of Boston, [and] John Bate and Philip Williamson to the office of constables of the same Staple for the year next to come, may it please your lordship to confirm the said John Stoye as mayor and the said John Bate and Philip Williamson as constables of the Staple aforesaid by the letters patent of our most awesome lord the King ; to do and exercise all and singular things that pertain to the offices aforesaid, as it has been accustomed to be done in a Staple of this sort.

Given at the said town of Boston, under the Seal of the Staple aforesaid, the twenty-second day of June in the twenty-first year of the reign of King Edward the Fourth.

VI.

ANALYSES AND FORMULAS OF STATUTE MERCHANT AND STATUTE STAPLE CERTIFICATES OF VARIOUS DATES.

(1) TABULAR SUMMARY OF SPECIMENS OF ORIGINAL RECOGNIZANCES OF VARIOUS PLACES AND DATES.¹ 1310-1438.

Reference	Persons certifying	Place of recog- nizance	Date of recog- nizance	Recognizor	Recognizance entered into before	Recognizee	Amount of debt	Terms of payment	Execution	Date of certificate	Endorse- ment
Charc. Files G, 49	Willelmus God- knave et Ri- cardus Many- word clericus domini Regis ad recognicio- nes debitorum apud Here- fordiam acci- piendas depu- tati	Hereford	Abs.	Milo Broun de comi- tatu Here- fordie	me Willelmo God- knave et Johanne Lightfot nuper clerico	Matilda filia Jo- hannis de la Hurste	10m. sterling	[In 4 instalments of 2½ marks each at terms stated in the certificate]	Hereford	Datum Here- fordie Mer- curii in Festo Aposto- lorum Simonis et Jude 4 Edw. II	Salop'.
Ibid., 57	Johannes de Bli- ton major civi- tatis Lincolnie et Johannes de Lincolnia clericus	Lincoln	Apud Lincoln- iam die dominica proxima ante Festum Sancti Mathie apostoli 9 Edw. II	Willelmus Sturifilius Ricardi Sturi de Salopia [sic], mercator	me Johanne de Bli- ton, tunc majore Lincolnie et Jo- hanne de Lincolnia tunc clerico ejus- dem (per testi- monium Henrici Bere, Simonis de Edlington, David le Taverner et Hen- rici de Outhorp)	Hugo Russel, civis et mercator Lincolnie	10l. sterling, promer- candis eidem Willelmo Sturi per predic- tum Hu- gonem apud Lincoln- iam venditis	Apud Londoniam [sic] ad festum Pentecostes ultimo preteritum	London	Datum apud Lincoln- iam die Veneris proxima post Festum Aposto- lorum Petri et Pauli 9 Edw. II	In Banco

Ibid., 169	Johannes Baron, major Stapule civitatis Exonie, Johannes Kyrton et Nicholaus Attelhol, constabularii ejusdem Stapule ad recognitiones eadem Stapula accipendas deputati	Exeter	4 Aug., 12 Hen. VI	Major et communitas civitatis Exonie in comitatu Devonie	Thoma Cook, tunc majore Stapule civitatis Exonie ad recognitiones debitorum in eadem Stapula accipendas deputato	Johannes Shillingford aut excoutores sui	250 <i>m.</i> sterling	Die Mercurii proxima post Festum Exaltacionis Sancte Crucis tunc proximo sequens	Devon	² Die Lune proxima post Festum Sancti Johannis ante Portam Latinam 14 Hen. VI	Devon. Coram domino Rege in Cancellaria sua in Octabis Purificationis Beate Marie
Ibid.	Thomas Lacy, major ville de Lostwithiell, et Johannes Lour, clerici domini Regis ad recognitiones debitorum apud Lostwithiell accipendas deputati	Lostwithiell	3 April, 44 Edw. III	Michael Ude	Odone Stephen, tunc majore ville de Lostwithiell et Nicholaus Pego, tunc clerico domini Regis, ad recognitiones debitorum apud Lostwithiell accipendas deputatis	Johannes de Kendale tunc constabularius castri de Ros-tormell	20 <i>l.</i> sterling	Solvendas eidem Johanni de Kendale, herodibus vel executoribus suis aut suo certo attorney apud Lostwithiell ad Festum Sancti Michaelis extunc proximo sequens, sine ulteriore dilatione	Cornwall (Debtor, heirs or executors to pay creditor, heirs or executors)	18 April, 17 Hen. VI	Cornubia. Coram justiciariis domini Regis de Banco, in Octabis S. Johannis Baptiste
Ibid.	As 169 above	Exeter	1 April, 22 Ric. II	Nicholaus Upright et Johannes Upright, uterque eorum per se insolendum	Henrico Hull, tunc majore Stapule civitatis Exonie ad recognitiones debitorum in eadem Stapula accipendas deputato	Johannes, prior de Cowyk (ex parte Willemi Donnebant, prioris dicti prioratus, successoris predicti Johannis, nuper prioris ejusdem prioratus)	20 <i>m.</i> sterling	Solvendas eidem Priori aut successoribus ejus in Festo Sancti Michaelis proximo tunc sequenti	Devon	² Die Lune proxima ante Festum Annunciacionis Beate Marie Virginis 16 Hen. VI	Devon. Coram domino Rege in Cancellaria sua in quindena S. Trinitatis ubi cumque fuerit

¹ The number of certificates and their order in the bundles or files selected here as specimens may have been altered since they were examined for this purpose, but the result of the analyses would be approximately correct.

² Sealing clause.

(2) TABLE SHOWING THE RESPECTIVE DATES OF MAKING AND DISCHARGING OR CERTIFYING AND ENFORCING A RECOGNIZANCE, TEMP. EDWARD IV.¹ 1468-1481.

Nature of certificate	Date of recognizance	Date on which payment was due	Date of certificate
1. Westminster, Statute Staple	11 Nov., 20 Edw. IV (1480)	Feast of Nativity of S. John Baptist (24 June 1481)	26 June, 21 Edw. IV (1481)
2. Do.	22 Jan., 20 Edw. IV (1480)	Octaves of Holy Trinity (1480)	26 June, 21 Edw. IV (1481)
3. Do.	[19 March], 16 Edw. IV (1476)	Feast of Nativity of S. John Baptist (1476)	11 Nov., 19 Edw. IV (1479)
4. Do.	17 April, 21 Edw. IV (1481)	Feast of S. Michael Archangel (29 Sept. 1481)	7 Oct., 21 Edw. IV (1481)
5. Do.	13 May, 20 Edw. IV (1480)	Nativity of Our Lord (25 Dec. 1480)	5 Nov., 21 Edw. IV (1481)
6. Do.	27 July, 21 Edw. IV (1481)	Feast of S. Martin Bishop (11 Nov. 1481)	12 Nov., 21 Edw. IV (1481)
7. Boston, Certificate of election ² of Mayor and Constables of Staple	—	—	26 June, 21 Edw. IV (1481)
8. Westminster, Statute Staple	30 March, 8 Edw. IV (1468)	Feast of S. Michael Archangel (29 Sept. 1468)	18 May, 21 Edw. IV (1481)
8a. Do.	4 June, 8 Edw. IV (1468)	4 July next (4 July 1468)	18 May, 21 Edw. IV (1481)
8b. Do.	20 Jan., 8 Edw. IV (1469)	20 July next (20 July 1469)	18 May, 21 Edw. IV (1481)
9. Do.	12 Sept., 14 Edw. IV (1474)	Feast of S. Bartholomew Apostle (24 Aug. 1475)	18 May, 21 Edw. IV (1481)
10. Exeter, Certificate of election of Mayor and Constables of Staple	—	—	15 May, 14 Edw. IV (1474)
11. Southampton Staple	9 Sept., 11 Edw. IV (1471)	Feast of S. Michael Archangel (29 Sept. 1471)	6 May, 21 Edw. IV (1481)
12. Westminster Staple	1 July, 20 Edw. IV (1480)	Feast of Easter (1481)	9 May, 21 Edw. IV (1481)
13. Do.	1 June, 13 Edw. IV (1473)	Feast of Nativity of S. Jo. Bapt. (24 June 1473)	9 March, 21 Edw. IV (1481)
14. Do.	20 June, 20 Edw. IV (1480)	Feast of Nativity of Our Lord (25 Dec. 1480)	19 March, 21 Edw. IV (1481)
15. Chichester Certificate of election of Mayor and Constables of Staple	—	—	16 Feb., 20 Edw. IV (1481)
16. Westminster Staple	17 April, 20 Edw. IV (1480)	Feast of S. Michael Archangel (29 Sept. 1480)	7 Feb., 20 Edw. IV (1481)
17. Lincoln Statute Merchant	31 May, 17 Edw. IV (1477)	Feast of S. Petronilla Virgin (31 May 1478)	26 Dec., 20 Edw. IV (1480)
18. Do.	24 May, 17 Edw. IV (1477)	Feast of Purification B.M.V. (2 Feb. 1478)	26 Dec., 20 Edw. IV (1480)
19. Westminster Staple	16 . . . , 19 Edw. IV (1479)	Eve of All Saints (31 Oct. 1479)	16 Feb., 20 Edw. IV (1481)
20. Do.	2 March, 8 Edw. IV (1469)	Day of S. Michael Archangel (29 Sept. 1469)	15 Feb., 20 Edw. IV (1481)
21. Do.	2 Nov., 20 Edw. IV (1480)	Feast of Purification B.M.V. (2 Feb. 1481)	7 Feb., 20 Edw. IV (1481)
22. Do.	10 June, 20 Edw. IV (1480)	Feast of Nativity of Our Lord (25 Dec. 1480)	7 Feb., 20 Edw. IV (1481)
23. Do.	9 Dec., 18 Edw. IV (1478)	11 December last past (11 Dec. 1479)	15 Nov., 20 Edw. IV (1480)
24. Do.	13 Feb., 13 Edw. IV (1474)	Feast of Ascension of Our Lord (1474)	7 Dec., 20 Edw. IV (1480)
25. Do.	24 Sept., 18 Edw. IV (1478)	Feast of Nativity of S. John Baptist (24 June 1479)	31 Jan., 20 Edw. IV (1481)
26. Do.	8 Jan., 19 Edw. IV (1480)	Feast of S. Michael Archangel (29 Sept. 1480)	31 Jan., 20 Edw. IV (1481)
27. Southampton Staple	8 March, 15 Edw. IV (1475)	Feast of Nativity of S. John Baptist (24 June 1475)	24 Oct., 20 Edw. IV (1480)
28. Westminster Staple	20 Nov., 11 Edw. IV (1471)	Feast of All Saints (1 Nov. 1472)	27 Nov., 20 Edw. IV (1480)
29. Do.	4 Feb., 17 Edw. IV (1478)	13 Feb. next (13 Feb. 1479)	7 Nov., 20 Edw. IV (1480)

¹ From Chancery Files G, No. 179.

² These were also filed.

(3) ANALYSIS OF RECOGNIZANCES MADE IN THE FORM
CERTIFIED TO THE CHANCERY

Place and date	Recognizor	Recognizee	Nature and amount of debt
¹ Exeter, 20 Jan., 20 Edw. II	John Peres de la Walle and 2 others (co. Devon)	Hen. de Bukerel	6 <i>l.</i> sterling
York, 29 March, 4 Edw. II	Robert, son of Adam Verdenell of York	Arnald of Ripon, mercer of York	17 marks sterling
Shrewsbury, Wednesday after Translation of S. Benedict, 29 Edw. I	Richard, son of Ralph de Polton	John, heir of Philip, son of Ralph de Polton, his heirs or executors	6 <i>l.</i> of silver by reason of a loan
Exeter, 12 June, 19 Edw. II	Richard de Tappelegh of Torrington	Robert de Lyw of the aforesaid county	75 <i>s.</i> 5 <i>d.</i> sterling
York, 1 August, 5 Edw. II	Elias, son of Nicholas of Bawtry	Hermann de Methebek and Herbord de Foro Ovium, merchants of Almain	43 <i>l.</i> sterling
Nottingham, 3 May, 1 Edw. III	John, son of William de Kyme of Sleaford, merchant	Walter de Lincoln of Nottingham, merchant	One sack of good and passable wool, price 10 <i>l.</i> , or the value thereof

¹ These certificates are now in Chancery Files G, 66.

OF STATUTES MERCHANT AND STATUTES STAPLE AND
AS BEING IN DEFAULT. 1301-1328.

Terms of payment	Date of certifi- cate of default	Place of execution	Reference to De Banco Roll
At the Feast of Exaltation of Holy Cross next following. 13s. 4d.; at S. Martin in the Winter, 13s. 4d.; at the same Feast next following, and so from year to year till paid in full.	3 Jan. 1 Edw. III	Devon	E 2 Edw. III, 114d; M <i>ib.</i> , 163d. Not found; therefore execution to be made.
On the Day of S. Michael, 30 Edw. I.	10 Jan. 1 Edw. III	York	H 2 Edw. III, 128. Dead; therefore execution [<i>etc.</i>]: writ returnable after Easter.
	Undated	Salop	E 2 Edw. III, 31; T <i>ib.</i> , 62. Dead. Therefore let him have a writ by the Statute returnable after Trinity.
At the Nativity of S. John the Baptist next, 20s.; and at Michaelmas following, 30s.; and at Christ- mas 25s. 5d.; without fur- ther delay.	21 Dec. 1 Edw. III	Devon	E 2 Edw. III, 122; M <i>ib.</i> , 6. Not found. Therefore to have a writ [<i>etc.</i>] after Michaelmas.
Half at Nativ- ity of S. John the Bap- tist, and half at the same Feast then next following.	4 Feb. 2 Edw. III	York	E 2 Edw. III, 91d; T <i>ib.</i> , 166. The writ came so slowly. Therefore [<i>etc.</i>] after S. John the Baptist.
At the Nativity of S. John the Baptist next following.	9 Nov. 1 Edw. III	Nottingham	H 2 Edw. III, 107. Not found. There- fore [<i>etc.</i>] after Easter. E 2 Edw. III, 117d. Precept to bailiffs of liberty of Nottingham who answer John is not found: none came to re- cover goods or lands, so they did nothing, and John has nothing in their bailiwick outside the liberty. There- fore [<i>etc.</i>] after Michaelmas.

(4) TABLE SHOWING THE DISTRIBUTION OF STATUTE MERCHANT AND STATUTE STAPLE CERTIFICATES AT VARIOUS DATES. 1284-1440.

Town	Registration officers	Date of certificates on file	Other dates included	Total of certificates issued
	(Statute Merchant)			
¹ London	Mayor and Clerk	13 Edward I		78
York	Do. Do.	"		11
Bristol	Do. Do.	"		7
Shrewsbury	Bailiffs and Clerk	"		2
Winchester	Mayor and Clerk	"		16
Lincoln	Do. Do.	"	12 Edw. I (29 June)	38
				<hr/> 152
	(Statute Merchant)			
² London	Mayor and Clerk	5 Edward II		84
York	Do. Do.	"		55
Newcastle	Do. Do.	"		1
Lincoln	Do. Do.	"		13
Norwich	Do. Do.	"		84
Oxford	Do. Do.	"		29
Nottingham	Do. Do.	"		37
Chester	Do. Do.	"		1
Shrewsbury	Bailiffs and Clerk	"		35
Hereford	Mayor and Clerk	"		20
Bristol	Do. Do.	"		5
Exeter	Do. Do.	"		12
				<hr/> 376
	(Statute Merchant)			
³ London	Mayor and Clerk		<i>Undated</i>	130
York	Do. Do.	17 Edward III		49
Newcastle-on-Tyne	Do. Do.	"		3
Kingston-on-Hull	Do. Do.	"	16 Edw. III	11
Nottingham	Do. Do.	"	Do.	10
⁴ Norwich	Do. Do.	"	15-16 Edw. III	103
Lincoln	Do. Do.	"	16 Edw. III	12
Northampton	Do. Do.	"	15-16 Edw. III	22
Oxford	Do. Do.	"	16 Edw. III	13
Shrewsbury	Bailiffs and Clerk		<i>Undated</i>	24

¹ Chancery Files G, 1.² Ibid., 51.³ Ibid., 82.⁴ In 16 Edward III, William, son of William But, is keeper of the 'Greater Piece,' and John de Bumpstead is clerk. Then Roger Verly is keeper of the 'Greater Piece,' and Robert de Assele succeeds as clerk.

Town	Registration officers	Date of certificates on file	Other dates included	Total of certificates issued
Hereford	Bailiff and Clerk	17 Edward III	16 Edw. III	22
Bristol	Mayor and Clerk	"	Do.	17
Exeter	Mayor and Clerk	"	Do.	27
Lostwithiel	Mayor's deputy and Clerk	"	Do.	25
Southampton	Keeper, etc., and Clerk	"	15-16 Edw. III	34
Canterbury	Keeper of City and Clerk	"	Do. and <i>undated</i>	21
				<hr/> 523 <hr/>
	(Statute Merchant)			
¹ London	Mayor and Clerk	42 Edward III		15
York	Do. Do.	"		8
Newcastle-on-Tyne	Do. Do.	"		4
Wigan	Do. Do.	"		2
Preston				1
Kingston-on-Hull	Do. Do.	"		1
Lincoln	Do. Do.	"		1
Nottingham	Do. Do.	"		1
Norwich	Do. Do.	"		18
Northampton	Do. Do.	"		3
Coventry	Do. Do.	"		6
Oxford	Do. Do.	"		4
Shrewsbury	[Bailiff] and Clerk	"		4
Hereford	Bailiff and Clerk	"		4
Bristol	Mayor and Clerk	"		2
Exeter	Bailiff and Clerk	"		5
² Lostwithiel	Mayor and Clerk	"		6
Salisbury	Do. Do.	"		1
Southampton	Do. Do.	"		3
Canterbury	Do. Do.	"		1
				<hr/> 90 <hr/>
	(Statute Staple)			
Westminster	Mayor of Staple	42 Edward III		32
Lincoln	Do. and Constables	"		5
Norwich	Mayor of Staple	"		4
Bristol	Do.	"		1

¹ Chancery Files G, 106. One certificate is undated and three are dated in other years.

² Serlo Queynte is keeper in the place of the mayor, with Thomas de Dyngel as clerk. In this registry there are notices of the indebtedness of various local tenants and traders to Edward, Prince of Wales, as Duke of Cornwall. Details of these transactions may be found in the register of the Duchy Chancery recently published.

Town	Registration officers	Date of certificates on file	Other dates included	Total of certificates issued
Canterbury	Mayor of Staple	42 Edward III		1
Queenborough	Do.	"		1
				<u>44</u>
	(Statute Merchant)			
¹ London	Mayor and Clerk	8 Richard II	7 Ric. II	7
York	Do. Do.	"	Do.	7
Newcastle-on-Tyne	Do. Do.	"		1
Kingston-on-Hull	Do. Do.	"		1
Nottingham	Do. Do.	"		2
Lincoln	Do. Do.	"		1
Norwich	Keeper, etc., and Clerk	"	6 Ric. II	5
Oxford	Mayor and Clerk	"		3
Coventry	Do. Do.	"		9
Northampton	Do. Do.	"	7 Ric. II	2
Shrewsbury	Bailiffs and Clerk	"		3
Bristol	Mayor and Clerk	"	7 Ric. II	6
Exeter	Do. Do.	"	Do.	7
Lostwithiel	Do. Do.	"		10
Salisbury	Do. Do.	"		3
Canterbury	Keeper, etc., and Clerk	"		6
				<u>73</u>
	(Statute Staple)			
Westminster	Mayor of Staple	8 Richard II	7 Ric. II, 9 Ric. II	41
Newcastle	Do.	"	7 Ric. II	2
Boston	Do.	"	Do.	2
Winchester	Mayor of Staple of Wools	"		2
Bristol	Mayor of Staple	"	7 Ric. II	3
Chichester	Do.	"	Do.	8
Sandwich	Do.	"		5
				<u>63</u>
	(Statute Staple)			
² Westminster	Mayor	2 Henry V		35
Bristol	Do.	"		1
				<u>36</u>

Town	Registration officers	Date of certificates on file	Other dates included	Total of certificates issued
	(Statute Merchant)			
London	Mayor and Clerk	2 Henry V		1
York	Do. Do.	"		1
Newcastle-on-Tyne	Mayor	"		1
Norwich	Keeper, etc., and Clerk	"		1
Coventry	Mayor and Clerk	"		3
Oxford	Do. Do.	"		3
Shrewsbury	Bailiffs and Clerk	"		1
Gloucester	Do. Do.	"		2
Lostwithiel	Mayor and Clerk	"		4
Canterbury	Keeper, etc., and Clerk	"		3
				<u>20</u>
	(Statute Staple)			
¹ Westminster	Mayor of Staple	14-18 Hen. VI		106
Bristol	Do.	"		8
Exeter	Mayor and Constables	"		8
Chichester	Mayor of Staple	"		2
Calais	Do.	"		1
				<u>125</u>
	(Statute Merchant)			
York	Mayor and Clerk	14-18 Hen. VI		2
Kingston-on-Hull	Do. Do.	"		1
Boston	Mayor of Town and Clerk	"		3
Lincoln	Do. Do.	"		3
Nottingham	Do. Do.	"		1
Norwich	Do. Do.	"		1
Coventry	Do. Do.	"		4
Northampton	Do. Do.	"		11
Oxford	Do. Do.	"		3
Shrewsbury	Bailiff and Clerk	"		1
Gloucester	Bailiffs and Clerk	"		1
Southampton	Mayor and Clerk	"		1
New Sarum	Do. Do.	"		10
Lostwithiel	Do. Do.	"		8
Canterbury	Bailiff and Clerk	"		2
				<u>52</u>

¹ Chancery Files G, 169.

(5) TABLE SHOWING THE DISTRIBUTION OF THE CASES IN A CHANCERY FILE INDORSED FOR EXECUTION.¹ 1327.

Town	Coram Rege	Coram Justiciariis	Miscellaneous	Total
London . . .	3	1	3	7
York . . .	8	1	1	10
Norwich . . .	9	25	—	34
Exeter . . .	—	2	—	2
Lincoln . . .	8	1	1	10
Shrewsbury . . .	2	4	—	6
Chester . . .	—	—	1	1
Northampton . . .	2	1	1	4
Nottingham . . .	10	7	—	17
Oxford . . .	4	—	1	5
Southampton . . .	1	1	1	3
Bristol . . .	2	1	—	3
Hereford . . .	—	4	—	4
	49	48	9	106

(6) TABLE GIVING DESCRIPTIONS OF THE PARTIES IN WESTMINSTER STATUTE STAPLE CERTIFICATES OF THE REIGN OF HENRY VII.²

Reg- nal year	Debtor	Creditor
16	Gentleman	Citizen & skinner of London
20	3 Gentlemen	Knight, citizen & alderman of London
20	Gentleman	(1) Citizen & fishmonger of London (2) Undescribed
18	(1) Gentleman, (2) his son & heir	Dame, widow
11	(1) Knight, (2) his son & heir . .	Esquire
18	Gentleman	Citizen & fishmonger of London
20	Knight	(1) Knight, (2) Citizen & fishmonger of London
15	Gentleman	Citizen & skinner of London
14	Yeoman	Do.
15	Do.	Do.
14	Gentleman	Citizen & clothier of London
15	(1) Gentleman, (2) Yeoman . .	Undescribed
12	(1) Esquire, (2) Citizen & tailor of London	Citizen & mercer of London

¹ Chancery Files G, 66.² Chancery Files, [old no.] 550.

Reg- nal year	Debtor	Creditor
14	Chapman	Citizen & skinner of London
15	Gentleman	Citizen & goldsmith of London
8	Gentleman	Citizen & alderman of London
15	Esquire, our Lord the King's Collector of Customs of his town of Bristol	2 Gentlemen
13	Esquire	Citizen & mercer of London
12	(1) Esquire, (2) his son & heir .	(1) Mercer, (2) Ironmonger, citizens of London
15	Dyer	2 undescribed
15	Citizen & greytawyer of Lon- don	Citizen & fishmonger of London
15	(1) Gentleman, (2) Yeoman .	2 Citizens & clothiers of London
12	Grazier	Citizen & clothier of London
15	Citizen & tailor of London .	Citizen & fishmonger of London
15	Gentleman	Citizen & alderman of London
14	Esquire	Citizen & mercer of London
14	Citizen & goldsmith of London	Widow

(7) EXTRACT FROM A RECOGNIZANCE ROLL OF THE CITY OF
LONDON.¹

¹Rotulus Domini Regis de Recognicionibus debitorum novi statuti Westmonasterii factis in Londonia tempore Radulphi de Sandwyco, a die Martis proxima post festum Sancte Juliane virginis, anno regni Regis Edwardi decimo nono ; usque ad eundem diem Martis, anno revoluto ; tempore domini Radulphi de Sandwyco, tunc custode civitatis² Londonie et Johanne de Bacwell clerico.

Die Martis proxima post festum Sancte Juliane virginis, anno regni Regis Edwardi decimo nono, Johannes de Merlawe clericus de comitatu Buk' recognovit se debere Ade Pikeman, civi Londonie, viginti marcas sterlingorum ; solvendas eidem ad festum Pasche anno regni Regis Edwardi decimo nono centum solidos, ad festum Sancti Michaelis proximo sequens centum solidos, et ad festum Natalis Domini proximo sequens quinque marcas ; et nisi fecerit concedit quod currant super eum et heredes suos districtio et pena provide in Statuto dicti domini Regis edito apud Westmonasterium.³

¹ Guildhall Records, Rolls of Recognizances, No. 2, 19 Edw. I.

² 'civitatis' is repeated in roll.

³ i.e. 1285.

(8) SUMMARY DESCRIPTION OF THE PARTIES IN A ROLL OF LONDON
STATUTE MERCHANT CERTIFICATES.

¹ No. of entry	Description of debtor	Description of creditor	Amount of debt
1	Clerk	Citizen of London	20 marcs
2	Of the county of Essex . .	A foreign merchant	12 <i>l</i> .
3	Do.	R. Peek, clerk	60 <i>s</i> .
4	Eustace Clement of the county of Berks	Andrew of S. Albans, clerk	140 <i>l</i> .
5	Son of dc . . . Knt. of the county of Norfolk	Sir Hugh Kensyngnam	8 marcs
6	Knight of same county . .	Citizen of London	19 <i>l</i> .12 <i>s</i> .6 <i>d</i> .
7	Of the county of Suffolk . .	Do.	20 marcs
8	Do.	William de Carlton	20 marcs
9	Of the county of Cambridge	John, son of Guy	22 marcs
10	William the Forester of Kent	Tailor of Langford	10 <i>l</i> .
11	Of the county of Warwick	Citizen of London	13 <i>s</i> . 4 <i>d</i> .
12	Of the county of Leicester	2 persons, one a clerk . . .	1 sk. good wool @ 12marcs
13	W.theForesterofthecounty of Suffolk, and another of the county of Essex	Sir Roger of Drayton, clerk	14 marcs
14	Of London, apothecary . .	2 persons (?foreign merchants)	20 <i>l</i> .
15	Of the county of Leicester	Citizen of London	25 marcs
16	Do.	Do.	12 marcs
17	Of the county of Essex . .	Matthew of the Exchequer	20 <i>l</i> .
18	Skinner of London	2 persons (? foreigners) . .	8 <i>m</i> . 6 <i>s</i> .
19	Nephew of . . . deceased	Citizen of London	20 <i>l</i> .
20	John de Biterle	The lord Edmund, brother of the lord Edward, illustrious King of England	60 <i>l</i> .
21	Richard son of . . . dc Badwe, of the county of Essex	Citizen of London	7 <i>l</i> .
22	Of the county of Berks . .	Do.	8 <i>l</i> . 5 <i>s</i> .
23	Citizen of London	Do.	50 <i>s</i> .
24	Son of . . . Knt. of the county of Essex	Master William, pantler of lord Edward, King of England	18 <i>l</i> .
25	Knight of the county of Suffolk	Daughter of . . ., baker, of Eastcheap, London	20 marcs
26	Daughter of . . ., baker, of Eastcheap, London	Knight of the county of Suffolk	100 marcs
27	Knight of the county of Stafford	Philip of Belvoir	34 <i>l</i> .
28	Ric. son of Robt. Lyvote of the county of Northamp- ton	Citizen of London	3sk <i>s</i> . 3st. good clean wool, 42 marcs
29	Of the county of Middlesex	Do.	4 <i>l</i> . . . 4 <i>d</i> .
30	Wm., son of Ric. de Wlyt of Dartford	Do.	30 <i>l</i> .
31	London man	Matthew de la Shecker . .	12 marcs
32	Jo. Godsalue of Herts . .	Richard Oysel	9 marcs, 3 <i>s</i> .

¹ City of London, Guildhall Records, Rolls of Recognizances, No. 2 (1291).

(9) COMPOSITION OF THE COVENTRY STATUTE MERCHANT 'ROLL'
OF 15 RICHARD II TO 3 HENRY V. 1391-1415.

¹ No. of rotulet	Period covered by roll	No. of certificates	No. of recognizances	Total
1	From Feast of Conversion of S. Paul, 3 Hen. V	1	6	7
2	" " 2 Hen. V	3	2	5
3	" " 1 Hen. V	3	9	12
4	" " 14 Hen. IV	2	3	5
5	" " 13 Hen. IV	—	4	4
6	" " 12 Hen. IV	2	7	9
7	" " 11 Hen. IV	5	17	22
8	" " 10 Hen. IV	2	6	8
9	" " 9 Hen. IV	2	6	8
10	" " 8 Hen. IV	3	11	14
11	" " 7 Hen. IV	1	9	10
12	" " 6 Hen. IV	4	12	16
13	" " 5 Hen. IV	—	14	14
14	" " 4 Hen. IV	2	9	11
15	" " 3 Hen. IV	3	12	15
16	" " 2 Hen. IV	3	18	21
17	" " 1 Hen. IV	5	13	18
18	" " 22 Ric. II	3	14	17
19	" " 21 Ric. II	8	14	22
20	" " 20 Ric. II	4	19	23
21	" " 18 Ric. II	7	19	26
22	" " 17 Ric. II	2	16	18
23	From 6 March, 16 Ric. II, to 20 Jan. following .	2	19	21
24	From 5 Feb., 15 Ric. II	3	19	22
25	From Feast of Conversion of S. Paul, 19 Ric. II	5	10	15
		75	288	363

(10) REMUNERATION OF THE CLERK FOR TAKING RECOGNIZANCES
AT COVENTRY.² 1394.

On the back of a spoilt certificate to the Chancellor for Roger Gardener of Coventry against Simon de Dodenhale of Dublin, merchant, dated 20 Feb.,

¹ Muniments of the City of Coventry, Statute Merchant Rolls.

² City of Coventry Muniment Room, E. 6.

17 Ric. II, are written the following particulars of the clerk's remuneration in respect of certain 'statutes' or certificates :—

Certificate	for	£18	2/-
Statute	„	£40	40d
Certificate	„	£8	2/-
„	„	£120	2/-
„	„	£44	2/-
Statute	„	£20	20d
„	„	£100	40d
„	„	£200	—
„	„	£14 10 0	—
„	„	£200	$\frac{1}{2}$ marc
„	„	£120	$\frac{1}{2}$ marc

Further particulars of the business transacted are given on a slip attached to the roll.

VII.

¹TABLE SHOWING THE DISTRIBUTION AND PROVENANCE OF STATUTE MERCHANT AND STATUTE STAPLE RECORDS.

(1) REGISTRIES OF STATUTORY RECOGNIZANCES IN ENGLISH MERCHANT TOWNS.

<i>Town</i>	<i>Procedure</i>	<i>Date</i>	<i>State of Seal</i>	<i>State of Records</i>
Appleby	Stat. Merc.	[1285]	—	Hall, 247
Boston	Stat. Merc.	1285	—	Ibid., 212
Bridgnorth	Stat. Merc.	—	—	Ibid., 234
Bristol	Stat. Merc., St. Sta.	1283 : 1326	Hope, I, 245, 264	Ibid., 197
Canterbury	Stat. Merc., St. Sta.	1336	Ibid., 321	Ibid., 205
Carlisle	Stat. Merc.	[17c.]	Ibid., II, 554	Ibid., 185
Chester	Stat. Merc.	[1291]	Ibid., I, 64	Ibid., 181
Chichester	Stat. Merc.	—	Ibid.	—
Congleton	Stat. Merc.	1624	Ibid., 69	—
Coventry	Stat. Merc.	[1336]	Ibid. II, 391	Hall, 246
[Derby]	[Stat. Merc.]	—	Percival	—
Exeter	Stat. Merc., St. Sta.	1285 : [1326]	Lloyd Parry	Hall, 188
Gloucester	Stat. Merc.	Edw. II	Hope, I, 232	Ibid., 197
Hereford	Stat. Merc.	[1285]	Ibid., 298	—
Ipswich	Stat. Sta.	1364	Ibid., II, 331	Hall, 240
Kingston-on-Hull	Stat. Merc., St. Sta.	1331 : 1432	Ibid., 528	—
Lancaster	Stat. Merc.	—	—	Hall, 209
Leicester	Stat. Merc.	—	Hope, II, 66	Ibid., 210
Lincoln	Stat. Merc., St. Sta.	1283 : 1326	Ibid., 76	Ibid., 212
London & West- minster	Stat. Merc., St. Sta.	1283 : 1326	Ibid., 123	Sharpe & Thomas
Lostwithiel	Stat. Merc.	[1311]	—	Hall, 183

¹ For details and references see Introduction, pp. xxxiv, xxxv, the Appendix thereto (pp. liii-lxxx), and the Index to this volume for the titles 'Hope' (*i.e.* Jewitt and Hope) and Hall (*i.e.* 'Repertory of British Archives,' ed. H. Hall), etc.

<i>Town</i>	<i>Procedure</i>	<i>Date</i>	<i>State of Seal</i>	<i>State of Records</i>
Newcastle-on-Tyne	Stat. Merc., St. Sta.	1285 : 1326	Hope, II, 227	Ibid., 227
Newcastle-u.-Lyme	Stat. Merc.	—	—	Ibid., 238
Newport (I.W.)	Stat. Merc.	James I	Hope, I, 272	Ibid., 200
Northampton	Stat. Merc.	[1285]: 1319	Cox, p. 120	Ibid., 224
Norwich	Stat. Merc., St. Sta.	1285 : 1326	Hope, II, 186	Ibid., 222
Nottingham	Stat. Merc.	1285	Ibid., 237	Ibid., 229
Oxford	Stat. Merc.	1285	Ibid., 249	Ibid., 231
Preston	Stat. Merc.	—	Hope	Ibid., 209
Queenboro'	Stat. Sta.	1376	Hope	Ibid., 206
Salisbury	Stat. Merc.	1351	Hope, II, 416	Ibid., 249
Shrewsbury	Stat. Merc., St. Sta.	1283 : 1326	Ibid., 271	Ibid., 235
Southampton	Stat. Merc., St. Sta.	1285 : 1326	Ibid., I, 264	Ibid., 200
Wigan	Stat. Merc.	Edw. III	Ibid., II, 55	Ibid., 209
Winchester	Stat. Merc., St. Sta.	1283 : 1326	Ibid., I, 292	Ibid., 200
Worcester	Stat. Merc.	1395	Ibid., II, 436	Ibid., 250
York	Stat. Merc., St. Sta.	1283 : 1326	Ibid., 528	Ibid., 253

(2) REGISTRIES OF STATUTORY RECOGNIZANCES IN WALES AND IRELAND.

Cardigan	Stat. Merc., St. Sta.	13c. : 1326	—	R.C. 1912 & 1919 Rept.
Carmarthen	Stat. Merc., St. Sta.	13c. : 1326	—	R.C. 1912 & 1919 Rept.
Cork	Stat. Merc., St. Sta.	13c. : 1326	—	—
Drogheda	Stat. Merc., St. Sta.	1326	—	—
Dublin	Stat. Merc., St. Sta.	13c. : 1326	—	—
Limerick	Stat. Merc., St. Sta.	—	—	—
Waterford	Stat. Merc., St. Sta.	13c. : 1326	—	H.M.C. 10th Rept.

(3) PERIODICAL REGISTRIES OF STATUTORY RECOGNIZANCES IN FAIRS.

<i>Fair</i>	<i>Procedure</i>	<i>Date</i>	<i>State of Seal</i>	<i>State of Records</i>
S. Botolph (Boston)	Stat. Merc.	1285	See Boston	—
S. Giles (Winchester)	Stat. Merc.	1283	See Winchester	—
S. Ives (Ramsey Abbey)	Stat. Merc.	1285	—	<i>Law Merchant</i> , Vol. I
Stamford	Stat. Merc.	1285	—	—
Stourbridge (Camb. Univ.)	[Stat. Merc.]	—	—	(Downing Coll. MSS.)
Wye (Canterbury)	[Stat. Merc.]	—	—	—
Yarmouth (Cinque Ports)	Stat. Merc.	—	—	—

(4) LOCAL REGISTRIES FOR SPECIAL STAPLES.

Ashburton (Tin)	St. Sta.	14c.	—	—
Calais	St. Sta.	15c.	—	—
Lostwithiel („)	St. Sta.	14c.	—	—
Truro („)	St. Sta.	14c.	—	—

VIII.

(1) THE RECOGNITION AND RECOVERY OF DEBTS UNDER THE STATUTE OF ACTON BURNELL, THE STATUTE OF MERCHANTS, AND THE ORDINANCES OF THE STAPLE (1283-1775).

¹ Origin and form of the Statutes.

Procedure for the recovery of debt prior to 1283.

Statute of Acton Burnell (1283).

Statute of Merchants (1285).

Ordinances of 1311.

Repeal of the Ordinances 1322.

Ordinances of the Staple 1353.

Subsequent enactments bearing on the subject down to the Act of 23 Hen. VIII, c. 6.

Official Procedure.

Grant of the privilege to towns.

Local Officers of the Statute Merchant.²

The Keeper of the Greater Part of the Seal.

The Clerk, *i.e.* the Keeper of the Lesser Part of the Seal or his deputy.

Local Officers of the Statute Staple.

The parties.

Recognizors (Creditors).

Recognizees (Debtors).

Sureties.

Nature of the transaction.

Recognition of the debt and the day of payment.

Preparation of the Recognizance.

Writing and enrolment by the Clerk.

The Roll.

Form.

Custody.

Sealing by the Recognizor.

Sealing with the Statutory Seals.

The Seal (in two pieces).

Character of the Seal.

Custody of the Greater Part.

Custody of the Lesser Part.

Loss of the Seal.

Replacement or Recutting of the Seal.

The Witnesses.

Custody by a third Party.

Indentures of Defeasance.

Further Acknowledgements.

Evidence of Payment.

Cancellation.

¹ This and the following table are based on notes of Mr. H. Holloway.

² Besides the mayors, clerks, and constables there were serjeants or other ministers of the local courts.

Acquittance.

Default.

Allegation of Non-Payment by the recognizee.

Local Execution.

Certification.

Writs issued from the Chancery to the Sheriff (including process for Ireland, Lancashire and Cheshire).

Capias.

Capias et extendi facias.

Liberate.

Sheriffs' Returns.

Debtor's right of Sale when taken.

Extent and delivery (*Liberate*).

Re-extent.

Nature of creditor's estate in lands taken under the Statute.

Responsibility for debtor's safe custody while in prison.

Place of imprisonment.

Duress.

Duration of imprisonment.

Mainprise.

Costs and Damages.

Heirs of a deceased debtor.

Position of the Clergy.

Position of Executors.

Legal Proceedings :

Certiorari.

Scire Facias.

Supersedeas.

Venire Facias.

Procedendo.

Attachiari Facias.

Monstravit.

Fieri Facias.

Account.

Levari Facias, etc.

Audita Querela, etc.

Indenture of Defeasance.

Acquittance.

Execution levied on part only of debtor's lands.

Statute wrongfully handed over by third party to whom it had been committed.

Execution levied on lands which did not belong to debtor.

Minors.

King's debtors.

Lands discharged by subsequent enfeoffment of creditor.

Execution sued against some only of several debtors.

Release of all actions.

Fairs.

Provision of Seal.

Keeper of the Greater Part.

Keeper of the Lesser Part.

Official Charges.

Fraud under the Statute.

Conspiracy, Deceit and Forgery of writings and counterfeiting of seals.

Sharp practice within and outside the Statute.

Extant Records.

Differences between Statutes Merchant and Statutes Staple.

Competition between the two procedures.

(2) DIFFERENCES BETWEEN STATUTES MERCHANT AND STATUTES STAPLE.

(a) Statutes Merchant.

Recognizances entered into before the Mayor, or chief warden, or other sufficient man chosen and sworn there-to when the Mayor or chief warden cannot attend, and a Clerk appointed by the Crown.

Sealed with an official seal of two pieces, the greater remaining in the custody of the Mayor or chief warden and the lesser in the custody of the Clerk.

The words of the Statute of Merchants expressly require that a Statute Merchant shall be sealed with the seal of the debtor. Hence it was argued that the creditor can sue out a Writ of Debt on a Statute Merchant.¹

Cost, 1*d.* in the pound (1½*d.* in the pound at Fairs).

Upon certification of a Statute Merchant a simple *Capias* is issued, and it is only upon receipt of the Sheriff's return to this *Capias* that an *Extendi facias* or *Capias et extendi facias* is issued.

Sheriff's return made into 'the one Bench or the other.'

Debtor permitted to sell his lands and tenements for the discharge of the debt at any time within three months of his arrest.³

The certificate to the Chancellor asks for the issue of a *Capias* to the Sheriff of a particular county.

Non-payment is certified in the names of the Mayor and the Clerk.

(b) Statutes Staple.

Recognizances entered into before the Mayor of the Staple in the presence of the Constables of the Staple or one of them.

Sealed with an official seal of one piece remaining in the custody of the Mayor of the Staple under the seals of the Constables.

The Ordinances of the Staple say nothing about the seal of the debtor, and according to the Year Book cited below, this was not required. Some fifteenth-century Statutes Staple at Exeter bear the seals of the debtors. On the other hand, the issuing of blank recognizances seems to suggest that the seal of the debtor was not essential.²

Cost ½*d.* in the pound up to £100; ¼*d.* in the pound above.

A *Capias et extendi facias* is issued forthwith on certification.

Sheriff's return made into the Chancery.

Debtor, if taken, to have no advantage of the quarter-year contained in the Statute of Merchants.

Certificates (Westminster Staple) simply ask the Chancellor to make the debtor pay.

Non-payment is certified in the name of the Mayor of the Staple (Westminster) or in the names of the Mayor and Constables. The Clerk (not mentioned in the Ordinances) appears as the Mayor's secretary and not as his colleague.

¹ Y.B., M. 15 Henry VII, 7 (Tottell, 1585).

² Select Cases in Court of Requests, ed. Leadam, p. lxxv.

³ This term might possibly be extended.

(c) Ordinances 5 Edward II, c. 33. 1311.¹

The Statutes only to apply to transactions between merchants and concerning their merchandisc.

The names of four witnesses to be present whose names are on the Recognizances.

None to hold other lands as free tenants by virtue of the statutes, except burgages.

Limited to twelve towns (mentioned).

The Mayor and Clerk to be elected by the community.

(d) Recognizances in the nature of Statutes Staple.²

Because Statutes Staple are entered into not between merchants nor touching merchandises :

(a) Chief Justice of the King's Bench ; (b) Chief Justice of the Common Pleas, or in their absence out of term, (c) Mayor of Staple of Westminster and Recorder of London to take recognizances between non-merchants.

Clerk of Recognizances to enrol such recognizances in two indented rolls.

Recognizee to have like process, execution, commodity and advantage as under Statute of Staple.

Fees : Justices or Mayor and Recorder 3s. 4d. ; Clerk 3s. 4d. for enrolment etc., 20d. for certification.

Mayors of the Staple limited to recognizances between merchants being free of the Staple for merchandise of the same Staple between them lawfully bought and sold.

(3) SUMMARY OF DIRECTIONS FOR SUING OUT A STATUTE STAPLE (c. 1700).³

The ' way of proceeding ' was, apparently, for the creditor or his attorney to go to the Clerk of the Staple and show him the date of the ' statute,'⁴ when the Clerk would make out the Certificate,⁵ seal it, and give it to the creditor to take to the Clerk of the Crown to make out the *Exigent*.⁶ When this Clerk had received the Certificate he made out the Obligation⁷ and indorsed the *Extent* upon it, when it became the ' Fine⁸ of the *Extent*.' This was duly delivered to the sheriff, who impanelled a jury to inquire and extend, also to take the body, goods and lands of the debtor. When the ' *Extent* ' was made it was delivered to the creditor, on receipt of the authority in a writ of *Deliberate* from the Petty Bag Office. Before this writ was sued out care

¹ Repealed 1322.

² 23 Henry VIII, c. 6. The devolution of this procedure in the seventeenth and eighteenth centuries is referred to below, p. 125 sq., above, pp. xxxvii, xl, and below (3) on this page.

³ From the *Compleat Attorney and Solicitor* (1702), p. 398.

⁴ *i.e.* the Recognizance made by the debtor.

⁵ *i.e.* of default, on the showing of the creditor.

⁶ By the ' Clerk of the *Exigents*.' The functions of the Crown Office in these cases will explain the provenance of the Entry Book described on p. 130. Cf. Second Report of Royal Commission on Public Records (1914).

⁷ The mediæval ' Bill Obligatory,' compiled from the Recognizance.

⁸ *i.e.* abstract.

was taken to ascertain if the debtor's goods and lands, when extended, would suffice to cover the debt; and for this reason all the debtor's property that could be 'discovered' was extended as a precaution. When the creditor had taken this precaution, he handed in his 'statute' at the Petty Bag Office and received the *Deliberate*.¹

¹ This description of the later procedure is instructive, as when allowance is made for the departmental excrescences of the Chancery it suggests that the personal activities of the creditor were based on early precedents. It also indicates the use of the Obligation in relation to the 'statute' on one hand and the writs of execution on the other hand. Finally, the 'discovery' of superfluous lands and chattels reveals the continuity of a mediæval grievance which was one possible cause of the statutory procedure of 1283 and also of subsequent protests (*e.g.* 1311–1322) against the official abuse of that procedure.

PROCEEDINGS UPON STATUTORY AND
OFFICIAL¹ RECOGNIZANCES
1283-1614

¹ These pleadings have been selected from the records of Central Courts deposited in the Public Record Office, with the exception of two or three cases from the City archives of London and Exeter. Further illustrations will be found in the Appendices.

1. ¹ STARA AD SCACCARIUM JUDEORUM APUD SALOPIAM, DE TERMINO SANCTI MICHAELIS, ANNO REGNI REGIS EDWARDI DECIMO [FINIENTE, UNDECIMO INCIPIENTE]. (1282.)

(m. 5d.)
Devon'.

Cum Petrus de Grenham miles districtus fuisset ad reddendum Regi xxj marcas de debito Jacobi judei Oxonie dampnati, venit coram, etc., et protulit breve Regis de magno sigillo in hec verba ² . . .

Et per hoc breve preceptum est vicecomiti quod venire faciat coram, etc., a die Sancti [Michaelis] ³ in xv. dies, xij tam ⁴ milites de visneto de Weyburnest et cyr[ographarios] Christianos Oxonie, et sex probos ⁴ et legales homines de civitate Oxonie, per quos, etc., ad recognoscendum, etc. Ad quem diem inquisicio non venit; et datus est dies a die Pasche in unum mensem; et preceptum est vicecomiti, sicut alias, ad eundem diem, nisi Adam de Wyntonia interim, etc.

Postea capta fuit inquisicio coram prefato Adam apud Oxoniam, die Sabbati proxima post festum Annunciacionis Beate Marie anno regni Regis Edwardi xj^o, per sacramentum Walteri de Brehull' et aliorum Christianorum, sicut patet in [brevibus] termino Pasche proximo sequenti retornatis, si predictus Petrus satisfecerit dicto Jacobo Copyn de xvij marcis in parte solucionis xxj marcarum in quibus predictus Petrus tenebatur per scriptum suum obligatorium. Qui dicunt per sacramentum suum quod in crastino Sancti Michaelis anno Regis Edwardi v^o, dictus Judeus mutavit dicto Petro xxj marcas per quoddam scriptum obligatorium, ut predictum est. Dicti juratores requisiti quomodo constat eis de soluzione facta de predictis xvij marcis, dicunt quod predictus Petrus

¹ Exchequer of the Jews, Plea Rolls (E. 9/40). A few specimens of pleadings on the statutory recognizances of the Judaism have been printed here to illustrate a procedure which may be regarded as analogous to that of the contemporary statutes of Acton Burnell and Westminster (*De Mercatoribus*). As to this, see Introduction, p. xviii sq., and Appendices, pp. 92-95, where a few supplementary documents are printed or described. For the general procedure of the Exchequer of the Jews, see Selden Society, *Pleas of the Exchequer of the Jews*, J. M. Rigg (1902), and the Calendar of the same series, edited by J. M. Rigg and Hilary Jenkinson; cf. below, p. 207.

² For an abstract of this writ, see below, Appendix, p. 92.

³ A blank is left for the term in the roll.

⁴ Sic in roll.

1. PLEAS AT THE EXCHEQUER OF THE JEWS, AT SHREWSBURY,
OF THE TERM OF S. MICHAEL, IN THE TENTH YEAR OF KING
EDWARD ENDING AND THE ELEVENTH YEAR BEGINNING. (1282.)

Devon'.

Whereas Peter of Greenham, knight, had been distrained to render to the King 21 marcs of the debt of Jacob the condemned Jew of Oxford, he came before, etc., and proffered the King's writ of Great Seal in these words : . . .

And in accordance with this writ the sheriff was ordered to cause to come before, etc. in 15 days of [S. Michael's] both 12 knights of the neighbourhood of Oburnford and the Christian chirographers of Oxford, and six good and lawful men of the city of Oxford by whom, etc., to recognize, etc. At which day the inquisition came not ; and a day is given one month from Easter day. And the sheriff is ordered, as at another time, at the same day, unless Adam of Winchester in the meantime, etc.

Afterwards an inquisition was taken before the above-mentioned Adam at Oxford on Saturday next before the Feast of the Annunciation of the Blessed Mary in the 11th year of the reign of King Edward, by the oath of Walter of Brill and of other Christians, as appears in the [writs] returned in the term of Easter next following, [to find] if the aforesaid Peter has satisfied the said Jacob Copyn for 18 marcs in part payment of 21 marcs in which the aforesaid Peter was bound by his writing obligatory. Who say on their oath that on the morrow of S. Michael in the 5th year of King Edward the said Jew lent the said Peter 21 marcs by a certain writing obligatory, as is aforesaid. The said jurors, asked how they account for the repayment made of the aforesaid 18 marcs, say that the aforesaid Peter has in his manor of

habet in manerio suo de Weyburnest in redd[itibus] et aliis certis exitibus usque ad summam octo librarum per annum; quam quidem pecuniam dictus Petrus assignaverat dicto Judeo recipiendo annuatim per manum ballivi sui, qui pro tempore esset ad manerium illud custodiendum, donec dictus Judeus totum dictum debitum xxj marcarum inde percepisset. Et idem Judeus totum predictum redditum percepit usque ad summam xvij marcarum; unde fecit tallias, littera sua Ebraica scriptas, que remanserunt penes ballivum predicti Petri. Et dicunt quod dicta solucio facta fuit predicto Judeo tempore quo habuit liberam administracionem bonorum suorum et antequam captus fuit pro tonsione monete, etc.

Ideo consideratum est quod predictae xvij marce, quas idem Jacobus recepit ut predictum est, allocentur eidem Petro in parte solucionis dicti debiti xxj marcarum. Et de residuo dicti debiti, videlicet iij marcarum, habet tres terminos, etc.

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(m. 7d.) **2.** ¹ **Essonia de Quindena Sancti Michaelis apud Salopiam, Anno regni Regis Edwardi decimo finiente, undecimo incipiente.**

.

Aaron filius Vives recognoscit per starrum suum quod Johannes filius Hamonis Costentin de comitatu Middelsexe et antecessores sui et heredes sui quieti sunt de antecessoribus et heredibus dicti Aaronis de omnimodis debitis demandis, pleggagiis, exactionibus, ab initio seculi usque ad unum mensem proximo post festum Natalis Domini, anno regni Regis Edwardi undecimo. Et predictus Johannes quietus est de una carta de x libris, que loquitur nomine dicti Johannis et Vives filii Abraham, patris predicti Aaronis filii Vives. Et eciam dictus Johannes quietus est de omnibus aliis obligacionibus et cartis loquentibus nomine dicti Vives, filii Abraham et nomine dicti Johannis, ab initio mundi usque ad finem.

Et sciendum quod Thomas de Brancastre, tenens terrarum dicti Johannis, acquietavit dictum Johannem de predicto debito x librarum et de omnimodis aliis debitis.

Et si tallia vel carta vel aliquod aliud instrumentum inveniatur in archa domini Regis, vel alibi, de predictis Vives filio Abraham et Johanne, tunc dictus Aaron filius Vives concessit pro se, antecessoribus et heredibus suis, quod non sint alicujus valoris.

¹ Exchequer of the Jews, Plea Polls (E. 9/40).

Oburnford in rents and other certain issues up to the sum of eight pounds by the year ; which money indeed the said Peter had assigned to the said Jew, to be received yearly by the hand of his bailiff who had the custody of that manor for the time being, until the said Jew should have received all the aforesaid revenue up to the sum of 18 marcs ; whereof he made tallies, written in his Hebrew characters, which remained with the bailiff of the aforesaid Peter. And they say that the said payment was made to the aforesaid Jew at a time when he had the free administration of his goods and before he was taken for clipping money, etc.

Therefore it is awarded that the aforesaid 18 marcs, which the same Jacob received, as is aforesaid, are to be allowed to the same Peter in part payment of the said debt of 21 marcs. And of the residue of the said debt, namely 3 marcs, he has three terms, etc.

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2. Essoins of the Quindisme of S. Michael at Shrewsbury, in the tenth year, ending, of the reign of King Edward, the eleventh year beginning.

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Aaron, son of Vives, recognizes by his ' starr ' that John, son of Hamo Costentin of the county of Middlesex and his ancestors and his heirs are acquitted by the ancestors and heirs of the said Aaron in respect of all manner of debts, demands, pledges, [and] exactions from the beginning of time until one month next after the Feast of the Birth of Our Lord in the eleventh year of the reign of King Edward. And the aforesaid John is quit in respect of one charter of 10 pounds, which speaks in the name of the said John and [in the name] of Vives, sons of Abraham, father of the aforesaid Aaron, son of Vives. And also the said John is quit in respect of all other obligations and charters speaking in the name of the said Vives, son of Abraham, and in the name of the said John, from the beginning of the world unto the end.

And be it known that Thomas of Brancaster, tenant of the lands of the said John, has acquitted the said John of the aforesaid debt of 10 pounds and of all manner of other debts.

And if tally or charter or any other instrument be found in the ark of the lord King, or elsewhere, concerning the aforesaid Vives, son of Abraham, and John, then the said Aaron, son of Vives, has granted for himself, his ancestors and his heirs that they shall not be of any value.

3. ¹ *ESSONIA, PLACITA AD SCACCARIUM JUDEORUM [APUD SALOPIAM]
ANNO REGNI REGIS EDWARDI XIJº, INCIPIENTE XIIJº. (1284.)*

(m. 3.) **Memoranda de Termino Sancti Michaelis Anno Regni Regis Edwardi xij,
incipiente Tercio Decimo.**

Notingham.

Cum Radulphus Hutte de Wikeford districtus fuisset ad reddendum Regi sexaginta solidos quos Regi debebat de debito Samuelis de Notingham, Judei ad fidem Christianam conversi, venit coram, etc., et dicit quod debiti quietus esse debet, eo quod satisfecit predicto Judeo de dicto debito ante quam ad fidem Christianam se convertebat et tempore quo habuit liberam administracionem bonorum suorum. Et [de] ² hoc ponit se super patriam. Et inquisicio venit ad hunc diem et die Sancti Michaelis in xv. dies per Sewallum Briani, Adam le Fleming' de Notingham et alios Christianos [et per] Piciavinum de Notingham, Is[ak'] Colemin et alios Judeos, sicut patet inter *Brevia* hujus termini retornata. Qui dicunt super sacramentum suum quod starrum quod ³ Robertus protulit coram, etc., in hec verba :

Samuel filius Mossei recognoscit per starrum suum quod Radulphus Hutte de Wikeford, heredes ³ et assignati sui, quieti sunt de ipso Judeo et herredibus suis de omnibus debitis demandandis et calumpniandis, a creacione seculi usque ad festum Sancti Michaelis anno regni Regis Edwardi quarto. Et si quis Judeus vel Judei calumpn[iaverint] aliquod debitum versus predictum Radulphum occasione alicujus debiti in quo idem Radulphus eidem Judeo tenebatur unquam sub nominibus predictorum Radulphi et Samuelis infra archam Notinghamie existente, super ipsum Judeum est warantizare, acquietare et defendere.

Et hoc sigillatum est starro ³ dicti Samuelis et litera sua Ebraica manu sua propria signatum. Et quod illud fecit tempore quo habuit liberam administracionem bonorum suorum, circa festum Purificacionis Beate Marie, anno regni Regis Edwardi quarto.

Et ideo consideratum est quod predictus Radulphus de predicto debito sexaginta solidorum sit quietus ; et carta dicti debiti eidem Radulpho liberetur quiete, dampnata. Et preceptum est vicecomiti quod predicto Radulpho de predicto debito pacem habere permittat. Et si quid, etc.

¹ Exchequer of the Jews, Plea Rolls (E. 9/45).

² Here and elsewhere a word has been supplied to make sense.

³ Sic in roll.

3. ESSOINS, PLEAS AT THE EXCHEQUER OF THE JEWS [AT SHREWSBURY] IN THE 12TH YEAR OF THE REIGN OF KING EDWARD, THE 13TH YEAR BEGINNING. (1284.)

Memoranda of the Term of S. Michael in the 12th year of the reign of King Edward and beginning of the thirteenth year.

Notting-
ham.

Whereas Ralph Hutte of Wickford had been distrained to render to the King sixty shillings which he owed to the King of the debt of Samuel of Nottingham, the Jew converted to the Christian Faith, he comes before, etc., and says that he ought to be quit of the debt, for that he satisfied the aforesaid Jew in respect of the said debt before he was converted to the Christian Faith and at the time when he had free administration of his goods. And for this he puts himself upon the country. And an inquisition comes at this day and in 15 days of the day of S. Michael by Sewall Brian, Adam the Fleming of Nottingham and other Christians [and by] Piciavinus of Nottingham, Isaac Colemin and other Jews, as appears among the Writs returned for this term. Who say on their oath that Robert produced a [certain] starr before, etc., in these words :

Samuel, son of Moss, recognizes by his starr that Ralph Hutte of Wickford, his heirs and his assigns, are acquitted by this Jew and by his heirs of all debts, demands and claims from the creation of the world to the Feast of S. Michael in the fourth year of the reign of King Edward. And if any Jew or Jews shall claim any debt against the aforesaid Ralph by occasion of any debt in which the same Ralph was ever bound to the same Jew standing in the names of the aforesaid Ralph and Samuel in the ark of Nottingham, it is for the Jew himself to warrant, acquit and defend.

And this is sealed with the starr of the said Samuel and signed in his Hebrew script with his own hand. And [they say] that he did that at the time when he had free administration of his goods about the Feast of the Purification of the Blessed Mary, in the fourth year of the reign of King Edward.

And therefore it is awarded that the aforesaid Ralph be acquitted of the aforesaid debt of sixty shillings and the charter of the said debt is to be quietly delivered to the aforesaid Ralph [and] cancelled. And precept is made to the sheriff that he permit Ralph to have peace in respect of the aforesaid debt. And if any, etc.

(m. 4.) **4. ¹ Adhuc Memoranda de Termino Sancti Michaelis Anno Regni
Regis Edwardi xij^o, incipiente xiiij^o.**

Hereford'.

Preceptum fuit vicecomiti quod non omittat propter libertatem civitatis Herefordie quin venire faceret coram, etc. cyrographariis Christianis et Judeis arche cyrographorum Herefordie sex probos et legales homines et sex legales Judeos de civitate predicta, et recognitores inquisicionis in quam Milo Hachar' se posuit. Et quidam predictorum recognitorum non venit. Et vicecomes mandat quod Hugo dictus Cocus et Thomas Cyrotecarius manuceperunt Hugonem Doreward cyrothecarium. . . .² quos non habuerunt; ideo in misericordia. Judicium quod distringantur per terras, etc.; et quod vicecomes habeat corpora eorum coram, etc., in Octabis Sancti Andree, ad recognizandum, etc. Et Johannes le Gaunter, cyrotecarius, Willelmus de Welinton', Ricardus de Ledebiria, Johannes Norman, Stephanus Blod, cordubaiarius, Christiani; Manserus de Wygornia, Vives de Gloucestria, Benedictus filius Benne, Elias de Ardre, Jacobus de North-antona et Benettus filius Leonis, [Judei] recognitores dicte inquisicionis, qui veniunt et habent eundem diem. Et quia predicta inquisicio fieri non potest sine Judeis Bristollie, de qua communitate Aaron filius Isak', judeus dampnatus, dum superstes, fuit, de cujus debiti xxxl. ad opus Regis de dicto Milone Hachar' exiguntur, preceptum est constabulario Bristollie quod venire faciat coram, etc., hic ad eundem diem sex legales Judeos de villa Bristollie ad recognoscendum, unacum predictis recognitoribus, super premissis veritatem. Et predictus Milo habet eundem diem. Et misericordia manucaptoris Aaronis le Blund condonatur per justiciarios.

(m. 4d.) **5. Adhuc Memoranda de Termino Sancti Michaelis.³**

Suthantona.

Cum Willelmus filius Nicholai de Cantilupo districtus fuisset ad reddendum Alianore Regine Anglie, consorti Regis, sexaginta marcas et dimidiam⁴ in quibus dictus Nicholaus Jacobo filio magistri Mossei

¹ Exchequer of the Jews, Plea Rolls (E. 9/45).

² The bailiff and three others have been mainprised by two pledges each.

³ As above, n. 1.

⁴ For the Queen's interest, cf. pp. xviii n., 7.

4. Yet Memoranda of the Term of S. Michael in the 12th year of the reign
of King Edward and beginning of the 13th year.

Hereford.

Precept was made to the Sheriff that he omit not on account of the liberty of the city of Hereford to cause to come before, etc., the Christian and Jewish chirographers of the ark of the chirographs of Hereford six good and lawful men and six lawful Jews of the city aforesaid and the recognitors of the inquisition on which Miles Hachar' put himself. And certain of the aforesaid recognitors do not come. And the sheriff reports that Hugh called 'the cook' and Thomas the Glover have mainperned Hugh Doreward, glover, whom they have not produced; therefore they are in mercy. Judgment—that they be distrained by their lands, etc., and that the sheriff have their bodies before, etc., in the Octaves of S. Andrew to make recognition, etc. And John le Gaunter, glover, William of Wellington, Richard of Ledbury, John Norman, Stephen Blod, cordwainer, Christians; Manser of Worcester, Vives of Gloucester, Benedict son of Benne, Elias of Ardre, Jacob of Northampton and Benet son of Leo, recognitors of the said inquisition who come and have the same day. And because the aforesaid inquisition cannot be made without the Jews of Bristol, of which community Aaron, son of Isaac, the condemned Jew, was a member when he was alive, of whose debt 30*l.* are exacted to the King's use from the said Miles Hachar', precept is made to the constable of Bristol that he do cause to come before, etc., here and the same day six lawful Jews of the city of Bristol to recognize together with the other recognitors the truth upon the premises. And the aforesaid Miles has the same day. And the 'mercy' of the mainpernor of Aaron le Blund is condoned by the justices.

5. Yet Memoranda of the Term of S. Michael.

Southampton.

Whereas William, son of Nicholas of Cantilupe, had been distrained to render to Eleanor, Queen of England, consort of the King, sixty mares and a half marc in which the said Nicholas was bound to Jacob,

Judeo per cartam suam tenebatur, venit coram justiciariis, etc., et protulit quedam starra de acquietancia dicti debiti que predictus Jacobus predicto Nicholao patri¹ suo fecerat, ut dicit, tempore quo idem Jacobus bonorum suorum liberam habuit administracionem. Quibus starris inspectis per attornatos dicte Regine dicunt ista starra falsa esse et de novo confecta et quod magister Elias, frater predicti Jacobi, post mortem suam maliciose inseritur pro teste, et hoc parati sunt verificare.

Predictus Willelmus habito consilio suo, concedit se satisfacturum domine Regine de predicto debito, et dicit quod predicta starra invenit in thesauro predicti Nicholai, patris sui; et hoc petit quod inquiretur.

Postea ista loquela ponitur in respectu, in statu quo nunc, usque ad Octabas Sancti Hilarii, et Johannes de Hastings et Willelmus de Ros manuceperunt de habendo corpus dicti Willelmi ad Octabas supradictas.

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(m. 7.) **6. ²Placita ad Scaccarium Judeorum in Termino Sancti Michaelis Anno Regis Edwardi xij^o, incipiente xiiij^o : De Octabis.**

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Cantebri^g
Huntingdon.

Robertus Olifard venire fecit Thomam de Bellehus vicecomitem Huntingdon' et queritur de eo quod cum sibi detulisset breve Regis ad deliberandum destructionem quam ei fecerat pro quadraginta solidis ad opus Willelmi le Moyne, quondam vicecomitis dicti comitatus, levandam, pro quadam electione medietatis predicti Roberti terre, de qua Maning de Stamford, judeus, seisinam habuit secundum statuta Judaismi³ pro debitis in quibus dictus Robertus dicto Judeo tenebatur, sicut eidem Roberto per dictum Willelmum fuit impositum, dictus Thomas ipsum Robertum cepit in Vigilia Omnium Sanctorum, anno Regis Edwardi decimo, et in prisona detinuit per tres dies sequentes: et quod duos equos suos, precii xxs., cepit die Veneris proxima ante diem Cinerum, anno Regis Edwardi xij^o per Rogerum Aubeney, subballivum suum, et detinuit per xx septimanas sequentes, ad dampnum suum, xx marcarum.

Predictus Thomas venit et defendit vim, etc., et dicit quod, ad querimoniam Willelmi le Moyne, dictus Robertus attachiatus fuit ad respondendum eidem Willelmo de quadraginta solidis, sicut rationaliter, etc. Et dictus Robertus venit in pleno comitatu et docebat de dicto debito predicto Willelmo non teneri, quia nullam causam

¹ 'patris' in roll.

² E. 9/45.

³ For this 'election,' see Introduction (p. xlii).

son of master Moss the Jew, by his charter, he came before the justices, etc., and proffered certain starrs of acquittance of the said debt which the aforesaid Jacob had made to the aforesaid Nicholas his father, as he says, at the time when the same Jacob had the free administration of his goods. Which starrs having been inspected by the attorneys of the said Queen, they say that those starrs are false and newly made and that master Elias, brother of the aforesaid Jacob, is maliciously inserted as a witness after his death, and this they are prepared to aver.

The aforesaid William having taken his own counsel, grants that he will satisfy our lady the Queen in respect of the aforesaid debt, and he says that he found the aforesaid starrs in the treasury of the aforesaid Nicholas his father; and he asks that this may be inquired of.

Afterwards this plea is put in respite, in the state in which it now is, until the Octaves of S. Hilary, and John of Hastings and William of Ros mainperned to have the body of the said William at the Octaves above said.

6. Pleas at the Exchequer of the Jews in the Term of S. Michael, in the 12th year of King Edward and beginning of the 13th year : Of the Octaves.

Robert Olifard made Thomas de Bellehus, sheriff of Huntingdon', come; and he complains of him that when he had brought to him the King's writ to deliver the distraint that he had made on him [Robert] for forty shillings to be levied to the use of William le Moyne, formerly sheriff of the said county, for a certain election of half the land of the aforesaid Robert, of which Manning, the Jew of Stamford, had seisin according to the statutes of the Judaism for debts in which the said Robert was bound to the said Jew, as was imputed to the same Robert by the said William, the said Thomas took him, Robert, on the Eve of All Saints in the tenth year of King Edward and detained him in prison for three days following; and [complains] that he took his two horses, value 20s., on Friday next before Ember Day in the 12th year of King Edward by Roger Aubeney his sub-bailiff, and detained them for 20 weeks following, to his loss of 20 marcs.

The aforesaid Thomas comes and defends force, etc., and says that at the complaint of William le Moyne the said Robert was attached to answer the same William in respect of forty shillings, as reasonably, etc. And the said Robert came in the full county court and argued that he was not bound to the aforesaid William in respect of the said

habuit exigendi aliquod debitum nisi fuerit pro contencione habita inter ipsum et predictum¹ Manning Judeum, que quidem contentio terminata fuit coram justiciariis Regis² ad custodiam Judeorum assignatis. Et inde vocavit ad warenciam rotulos; et recordum ipsorum se habiturus ad comitatum proximo sequentem. Ad quem diem, cum dictum recordum non haberet, consideratum fuit per comitatum predictum quod de predictis xl solidis dicto Willelmo satisfaceret. Et cum dictus Robertus securitatem inde factam recusasset, preceptum fuit ei quod non recederet donec, etc. Et idem Robertus in contemptu.

De duobus equis dicit quod per summonitionem Scaccarii ipsum Robertum distrinxit pro dimidia marca et quod dicti equi apreciiati fuerunt ad vs.; et hoc petit verificari, ut supra. Et dictus Robertus idem petit tam de imprisonment predicto quam de detencione equorum suorum.

Et preceptum est vicecomiti quod in pleno comitatu, in presencia coronatorum et per assensum tam dicti Thome quam predicti Roberti, eligantur xij probi³ et legales homines et qui nulla afinitate vel alio modo attingant dictum Thomam vel predictum Robertum; et quod vicecomes ipsos venire faceret coram, etc., apud W[estmonasterium] in Octabis Sancti Martini ad recognoscendum super premissis veritatem, etc.

7. 'PLACITA CORAM DOMINO REGE APUD WESTMONASTERIUM A DIE PASCHE IN XV. DIES, ANNO REGNI REGIS EDWARDI XIV°. (1286.)

.

Adhuc de Quindena Pasche.

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(m. 2.)
Oxon.
London'.

Magister Johannes de Staunton, rector ecclesie de Eleford, cognovit quod debet Thome filio Milonis de Hastinge viginti marcas, quas ei reddet in Quindena Pasche, proximo sequente; et nisi fecerit, concedit quod vicecomes fieri faciat de terris et catallis, etc. Et similiter quod episcopus Lincolnensis de bonis suis ecclesiasticis levare faciat, etc.

Idem magister cognovit quod debet Thome de Cane, pro predicto Thoma filio Milonis, sex marcas pro arreragiis ipsius Thome filii Milonis de annua pensione viginti solidorum per annum; unde ei reddet medietatem ad festum Sancti Michaelis proximo futurum, et aliam

¹ 'per ipsum' interlined and 'predietos' for 'predictum' in roll.

² 'nostris' in roll.

³ 'probos' in roll.

⁴ K.B. 27/99.

debt, because he [William] had no cause for exacting any debt unless it were for a dispute had between him and the aforesaid Manning the Jew, which dispute, indeed, was determined before the King's justices appointed for the custody of the Jews. And for this he vouched to warranty the rolls; and he to have the record of the same at the county court next following. At which day, when he had not the said record, it was awarded by the county court aforesaid that he should satisfy the said William in respect of the aforesaid 40 shillings. And when the said Robert refused the security required for this, it was ordered that he should not depart until, etc. And the same Robert in contempt.

Of the two horses: he [Thomas] says that he distrained him, Robert, by summons of the Exchequer for half a marc and that the said horses were appraised at 5s.; and he asks that this may be averred as above. And the said Robert asks the same as well concerning the imprisonment aforesaid as concerning the detention of his horses.

And precept is made to the sheriff that in full county court, in the presence of the coroners and by assent as well of the said Thomas as of the aforesaid Robert, there be elected 12 good and lawful men and such as can touch the said Thomas or the aforesaid Robert in no affinity or otherwise; and that the sheriff should make them come before, etc., at Westminster in the Octaves of S. Martin to recognize the truth upon the premises, etc.

7. PLEAS BEFORE THE LORD KING AT WESTMINSTER IN 15 DAYS OF EASTER, IN THE 14TH YEAR OF THE REIGN OF KING EDWARD.
(1286.)

.

Yet of the Quindisme of Easter.

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Master John of Staunton, rector of the church of Alford, acknowledged that he owes Thomas, son of Miles of Hastings, twenty marcs which he shall render to him in the Quindisme of Easter next following; and unless he shall do this, he grants that the sheriff is to cause to be made up from his lands and chattels, etc. And likewise that the bishop of Lincoln is to cause to be levied from his ecclesiastical goods, etc.

The same Master acknowledged that he owes to Thomas of Caen, on behalf of the aforesaid Thomas, son of Miles, six marcs for the arrears of him, Thomas, son of Miles, in respect of his annual pension of twenty shillings yearly; whereof he will render to him the half at the Feast of S. Michael that shall next be, and the other half at the

medietatem ad festum Sancti Hillarii proximo sequens. Et nisi fecerit concedit quod episcopus Lincolniensis fieri faciat de bonis ecclesiasticis, etc. Preterea idem magister Johannes cognovit hoc scriptum in hec verba :

¹ ‘ Universis pateat quod ego magister Johannes de Staunton, rector ecclesie de Eleford, Lincolniensis diocesis, pro laudabili servicio quod dilectus michi in Christo Thomas filius Milonis de Hastings michi impendit, dedi [et] concessi eidem Thome decem libras sterlingorum in pecunia numerata, singulis annis de [capellania] mea recipienda ad duos anni terminos, videlicet ad festum Natalis Sancti Johannis Baptiste, et ad Natale Domini ; primo vero termino solucionis incipiente ad festum Natalis Sancti Johannis Baptiste, anno regni Regis Edwardi xv^o ; ad quem terminum ego dictus magister Johannes solvam centum solidos bonorum et legalium sterlingorum in pecunia numerata, et ad Natale Domini proximo sequens centum solidos ; et sic de anno in annum, et de termino in terminum, donec idem Thomas de terris et tene-mentis, que ei succedere debent per mortem domini Milonis de Hastings, patris sui, ad valenciam xx^s librarum, vel aliunde, fuerit provisum.

‘ Ad quam quidem pecunie solutionem modo supradicto et terminis statutis, fideliter et sine dolo faciendam, ego magister Johannes antedictus obligo me et omnia bona mea, presenciam et futura, sub pena decem librarum auro Regine, que pro tempore fuerit, si cessavero de solucione predicta ad aliquem terminum, in parte vel in toto ; sub-jiendo me et omnia bona mea predicta cohercioni et districtioni cujuslibet judicis ecclesiastice ² vel civilis quem idem Thomas eligere voluerit ; et precipue senescallo et marescallo domini Regis, ut ipse vel ipsi, in cujus seu in quorum potestate me seu bona mea inveniri contigerit, possit vel possint sine cause cognitione aut strepitu judiciali, levare et facere de bonis meis antedictis dictam pecuniam et penam, si committatur, et eciam me compellere tam ad solucionem pene memorate quam principalis debiti, unacum omnibus expensis, dampnis, misis et interesse, que vel quas idem Thomas fecerit seu incurrerit occasione dicte pensionis perquirende, et ad prefatos terminos non solute. Ita quod idem Thomas simplici verbo credatur sine onere alterius probacionis. Renunciando in hec omni juris remedio competenti vel competituro, quod michi prodesse [poterit] et prefato Thome nocere.

‘ In cujus rei testimonium sigillum meum presentibus duxi apponen-dum. Data Londonie, die Veneris proxima post festum Sancti Marci Evangeliste, anno regni Regis Edwardi, xiiij^o.’

¹ For the devolution of this transaction, see p. 131.

² Sic.

Feast of S. Hilary next following. And unless he shall do this, he grants that the bishop of Lincoln is to cause to be made up from his ecclesiastical goods, etc. Moreover the same master John acknowledged this writing in these words :

Be it known to all that I, master John of Staunton, rector of Alford in the diocese of Lincoln, for the laudable service that my beloved in Christ Thomas, son of Miles of Hastings, renders to me, have given and granted to the same Thomas ten pounds of sterling in counted money to be received every year from my chaplaincy at two terms of the year, namely, at the Feast of the Nativity of S. John the Baptist and at the Nativity of Our Lord ; the first term truly of payment beginning at the Feast of the Nativity of S. John the Baptist in the 15th year of the reign of King Edward ; at which term I, the said master John, will pay one hundred shillings of good and lawful sterlings in counted money, and at the Nativity of Our Lord next following one hundred shillings ; and so from year to year and from term to term until the same Thomas shall be provided for from the lands and tenements to which he ought to succeed by the death of lord Miles of Hastings, his father, or otherwise, to the value of 20 pounds.

For this payment of money to be made in the aforesaid manner and at the terms appointed faithfully and without guile, I, master John aforesaid, bind me and all my goods, present and future, under penalty of ten pounds of gold to the Queen, who shall be for that time, if I shall have ceased from the aforesaid payment at any term, in part or in whole ; subjecting myself and all my goods aforesaid to the coercion and distraint of any ecclesiastical or civil judge whom the said Thomas shall wish to elect ; and especially to the Steward and Marshal of the lord King, that he or they, in whose power I or my goods shall happen to be found, may, without acknowledgement of cause or judicial strife, levy and make up from my goods aforesaid the said money and the penalty, if it be incurred, and may also compel me as well to make payment of the penalty mentioned as of the principal debt, together with all expenses, damages, charges and interest which the same Thomas shall make or incur by occasion of acquiring the said pension and not paid for at the before-mentioned terms. So that the same Thomas is to be credited by his simple word, without the burden of another's proof. Renouncing herein all legal remedy in action or actionable which might profit me and harm the aforesaid Thomas.

In witness whereof I have thought good for my seal to be appended to these presents. Dated at London, Friday next after the Feast of S. Mark the Evangelist, in the 14th year of King Edward.

8. ¹ PLACITA APUD WESTMONASTERIUM CORAM THOMA DE WEYLAUNDE [ETC.] JUSTICIARIIS DOMINI REGIS DE BANCO, DE TERMINO SANCTI MICHAELIS, ANNO REGNI REGIS EDWARDI, FILII REGIS HENRICI, XVJ^o, INCIPIENTE [XVIJ^o]. (1288.)

.
Adhuc de quindena Sancti Michaelis. Weylaund.
.

(m. 82.)
Warr'.

Quia Ricardus de Lymesy, miles, coram Radulpho de Sandwico, custode civitatis Londonie, et Johanne de Banquelle, clerico Regis, recognovit se debere Waltero de Wyndesor', pulentario, quadraginta libras unde ei² solvisse debuit in quindena Sancti Johannis Baptiste anno Regis nunc quartodecimo viginti et quinque marcas et in Quindena Sancti Michaelis proxima sequenti triginta et quinque marcas, et nondum ei reddidit, etc. Et preceptum fuit vicecomiti, sicut pluries, quod bona predicti Ricardi in balliva sua inventa, et que habuit tempore quo predictum debitum recognovit, ad quarumcumque manus devenierint ad valenciam predicti debiti, si ad hoc sufficerent, venderet et pecuniam inde levatam predicto Waltero sine dilacione solvi faceret. Et si emptorem ad hoc non invenerit, tunc bona ipsius Ricardi immobilia ad valenciam dicti debiti, que habuit tempore recognicionis predictae, per rationabile precium et extentam eidem Waltero liberari faceret. Et si bona ipsius Ricardi immobilia ad hoc non sufficerent, tunc corpus ipsius Ricardi caperet et in prisona Regis salvo custodini faceret quousque eidem Waltero de predicto debito plenarie satisfecerit. Et qualiter hoc preceptum executus fuerit scire faceret justiciariis, hic, per litteras suas sigillatas, etc. Et vicecomes nichil inde fecit, set mandavit quod habet penes se de bonis et catallis ipsius Ricardi ad valenciam decem marcarum, et que attornato predicti Walteri liberare voluisset et ea recipere recusavit. Et quod corpus ejusdem Ricardi non cepit eo quod non fuit inventus, etc. Ideo, sicut pluries, preceptum est vicecomiti quod bona ipsius Ricardi in balliva sua inventa et que habuit anno predicto, ad quorumcumque manus, etc., vendi, etc., et predicto Ricardo secundum rationabile precium liberari faceret. Et si, etc., tunc corpus, etc. Et qualiter, etc., scire faceret Justiciariis hic in crastino Purificacionis Beate Marie, etc. Set sciat, etc. Et . . . etc.

¹ C.P. 40/75. This and the following case have been included as careful records of the proceedings upon these 'statutes' in the Common Bench. For the analogy of the Law Merchant procedure, cf. pp. 14-18 and 140.

² 'eis' in roll.

8. PLEAS AT WESTMINSTER BEFORE THOMAS OF WEYLAND
[and other] JUSTICES OF THE LORD KING OF THE BENCH, OF THE
TERM OF S. MICHAEL IN THE 16TH YEAR OF THE REIGN OF KING
EDWARD, SON OF KING HENRY, AND THE BEGINNING OF THE
17TH YEAR. (1288.)

Yet of the Quindisme of S. Michael—Weylaund.

Warwick.

Because Richard of Limesy, knight, before Ralph of Sandwich, keeper of the city of London, and John of Bakewell, the king's clerk, recognized that he owed to Walter of Windsor [Poulterer] forty pounds for which he ought to have paid to him in the Quindisme of S. John the Baptist in the fourteenth year of the King that now is twenty-five marcs, and in the Quindisme of S. Michael next following thirty-five marcs, and he has not yet rendered them, etc. And precept was made to the sheriff, as oft-times, that he should sell the goods of the aforesaid Richard found in his bailiwick (and which he had at the time when he recognized the aforesaid debt, to whatsoever hands they may have come, to the value of the aforesaid debt, if they should suffice for this), and that he should cause the money levied therefrom to be paid to the aforesaid Walter without delay. And if he shall not find a buyer for this, then he should cause the immovable goods of him, Richard, which he had at the time of the recognition aforesaid, to the value of the said debt, to be delivered to the same Walter by a reasonable price and extent. And if the immovable goods of him, Richard, should not suffice for this, then he should take the body of him, Richard, and cause him to be safely kept in the King's prison until he shall have fully satisfied the same Walter in respect of the aforesaid debt. And he should cause the justices to know, here, how he shall have executed this precept by his letters sealed, etc. And the sheriff did nothing therein, but sent word that he has in his possession goods and chattels of him, Richard, to the value of ten marcs; and these he would have delivered to the attorney of the aforesaid Walter, and then he refused to receive. And that he did not take the body of the same Richard because he was not found, etc. Therefore, as oft-times, precept is made to the sheriff that [he should cause] the goods of him, Richard, found in his bailiwick and which he had in the year aforesaid, to whatsoever hands, etc., to be sold, etc., and to be delivered to the aforesaid Richard according to a reasonable price. And if, etc., then his body, etc. And how, etc., he should make the justices know, here, on the Morrow of the Purification of the Blessed Mary, etc. But he is to know, etc. And . . . etc.

9.

(m. 112.)¹ Preceptum fuit vicecomiti quod omnia bona et catalla Johannis Priorel in balliva sua, preter boves et affros caruce sue, et similiter medietatem terre sue per rationabile precium et extentam sine dilacione liberari faceret Willelmo le Moyne de Ranelagh, militi, quousque triginta et quatuor libre sexdecim solidi et octo denarii inde leventur, quos idem Johannes coram Ricardo de Beaufow, nuper majore Lincolnie, et Radulpho filio Martini, clerico Regis, recognovit se debere eidem Willelmo, et inde ei reddisse debuit medietatem ad Festum Sancti Petri ad Vincula, anno Regis nunc terciodecimo, et aliam medietatem a die Sancti Michaelis in xv. dies proximo sequenti, et nondum ei reddidit, etc. Et qualiter, etc., scire faceret hic ad hunc diem.

Et vicecomes modo mandat quod liberavit predicto Willelmo medietatem terre predicti Johannis, que extenditur per annum ad quatuor libras, tenendam a Festo Sancti Michaelis proximo preterito, quousque predicta pecunia inde levetur per formam statuti, etc. Ideo teneat, etc.

Et similiter preceptum fuit vicecomiti quod haberet hic, ad hunc diem, quatuor libras reddendas predicto Willelmo, quas de terris et catallis predicti Johannis in balliva sua fieri fecit, prout alias Justiciariis hic mandavit, etc. Et vicecomes nichil inde fecit. Ideo sicut prius preceptum est vicecomiti quod illas habeat hic in Octabis Sancti Hillarii. Per Johannem de Lovetot, etc. Et vicecomiti sit, etc.

10. ²[PLACITA CORAM DOMINO REGE APUD WESTMONASTERIUM IN OCTABIS SANCTI MICHAELIS, ANNO REGNI REGIS EDWARDI XVI^o FINIENTE ET XVII^o INCIPIENTE.] (1288.)

Adhuc de Tribus Septimanis.

(m. 16d.)
Suth'.

Christiana Dureward cognovit quoddam scriptum in hec verba :
Sciant presentes et futuri quod ego Christiana Dureward dedi, concessi et hac presenti carta mea confirmavi Rogero de Drokenesford fratri meo, pro servicio suo et pro decem marcas sterlingi quas michi dedit pre manibus, duas shoppas cum pertinenciis suis quas habui in civitate Wyntonie et unam marcam annui redditus quam annuatim

¹ C.P. 40/75.

² K.B. 27/114.

9.

Precept was made to the sheriff that he should cause all the goods and chattels of John Priorel in his bailiwick (except the oxen and horses of his plough), and likewise the half of his land, by a reasonable price and extent, to be delivered without delay to William le Moyne of Ranelagh, knight, until thirty and four pounds, sixteen shillings and eightpence be levied therefrom, which the same John before Richard de Beaufow, late mayor of Lincoln, and Ralph, son of Martin, the King's clerk, recognized that he owed to the same William, and ought to have rendered the half to him at the Feast of S. Peter's Chains, in the thirteenth year of the King that now is, and the other half in 15 days from the day of S. Michael next following, and has not yet rendered to him, etc. And how, etc., he should make known here at this day.

And the sheriff now reports that he has delivered to the aforesaid William half of the land of the aforesaid John, which is extended at four pounds by the year, to be held from the Feast of S. Michael last past until the aforesaid money be levied therefrom by the form of the Statute, etc. Therefore [he is to hold, etc.].

And precept is likewise made to the sheriff that he should have here, at this day, four pounds to be rendered to the aforesaid William, which he has made up from the lands and chattels of the aforesaid John in his bailiwick, as he reported at another time to the Justices here, etc. And the sheriff did nothing therein. Therefore, as before, precept is made to the sheriff that he have them here in the Octaves of S. Hilary by John de Lovetot, etc. And to the sheriff be it, etc.

10. [PLEAS BEFORE THE LORD KING AT WESTMINSTER, IN THE OCTAVES OF S. MICHAEL, IN THE 16TH YEAR OF KING EDWARD ENDING AND THE 17TH YEAR BEGINNING.] (1288.)

Yet of the Three Weeks [of S. Michael].

Southamp-
ton.

Christiana Dureward acknowledged a certain writing in these words :

Know those present and to come that I, Christiana Dureward, have given, granted and by this my present charter have confirmed to Roger of Droxford, my brother, for his service and for ten marcs sterling which he gave me in hand, two shops with their appurtenances which I had in the city of Winchester, and one marc of annual rent which

de Johanne le Paumer ad festum Sancti Egidii percipere consuevi pro uno tenemento quod de me tenuit in civitate predicta ad terminum vite sue. Dedi eciam dicto Radulpho dictum tenementum totum et integrum post decessum dicti Johannis; quas quidem shoppas et redditum ad totam vitam dicti Johannis et tenementum post decessum dicti Johannis, ego predicta Christiana coram Radulpho de Hengham et sociis suis, locum domini Regis tenentibus, recuperavi per recognicionem dicti Johannis et pacem inter nos habitam apud Westmonasterium in crastino Sancti Johannis Baptiste anno regni regis Edwardi, filii regis Henrici, quarto-decimo. Quod quidem tenementum et shoppe sunt in Colestrete dicte civitatis inter tenementum Johannis Froumund ex parte boriali et ecclesiam Omnium Sanctorum ex parte australi. Habenda [*etc.*] de me [*etc.*] libere [*etc.*] reddendo inde annuatim michi, quoad vixero, unam marcam argenti in vigilia Exaltacionis Sancte Crucis; et post decessum meum unam dimidiam marcam ad assignandam pro anima mea, ubicumque voluero, pro omni servicio [*etc.*].

Et ego dicta Cristiana et heredes mei dictas shoppas [*etc.*] cum omnibus pertinenciis suis dicto Rogero [*etc.*] contra omnes homines et feminas warantizabimus et acquietabimus et defendemus in perpetuum per servicium predictum; salvis dominis serviciis debitis et consuetis. Et si contingat quod dictus Rogerus sine heredibus decesserit, totum dictum tenementum et redditus, cum omnibus pertinenciis suis et shoppis, michi et heredibus meis revertetur.

Et ut hoc mea donatio, concessio et presentis carte mee confirmatio, ad modum cirograffi confecta, rata et stabilis permaneat inperpetuum, presenti parti, penes dictum Rogerum remanenti, sigillum meum apponi feci. Dictus vero Rogerus parti mee sigillum meum apposuit. Hiis testibus.¹

¹ The witnesses include the sheriff of Southampton (Hampshire), then Keeper of Winchester, an alderman, spicer and draper, William of Dunstable, who figures in a notable wool sale previously mentioned (*Law Merchant*, Vol. II, pp. 28-30), and Adam Poveray, who plays a leading part in the remarkable forgery described below (pp. 26 and 97 sq.).

I have been accustomed to receive yearly of John le Paumer at the Feast of S. Giles for one tenement which he held of me in the city aforesaid for the term of his life. I have given also to the said Ralph the said tenement, whole and entire, after the decease of the said John ; which shops and rent, indeed, for the whole life of the said John, and the tenement after the decease of the said John, I, the aforesaid Christiana, before Ralph of Hengham and his fellows, the lieutenants of the lord King, recovered by recognition of the said John and peace had between us at Westminster on the Morrow of S. John the Baptist in the fourteenth year of the reign of King Edward, son of King Henry. Which tenement, indeed, and shops are in Colestreet of the said city between the tenement of John Froumund on the north side and the church of All Saints on the south side. To have [*etc.*] of me [*etc.*] freely [*etc.*] rendering therefor yearly to me, as long as I shall live, one marc of silver on the Eve of the Exaltation of the Holy Cross ; and after my decease one half mark to be assigned for my soul, wheresoever I may will, for all service [*etc.*].

And I, the said Christiana and my heirs, will warrant, acquit and defend the said shops [*etc.*] with all their appurtenances to the said Roger [*etc.*] against all men and women for ever by the service aforesaid ; saving to the lords the services due and accustomed. And if it happen that the said Roger shall die without heirs, the whole of the said tenement and rent with all the appurtenances shall return to me and to my heirs.

And that this my gift, grant, and the confirmation of my present charter, made in the form of a chirograph, may remain for ever ratified and stable, I have caused my seal to be affixed to the present part remaining with the said Roger. But the said Roger has affixed my seal to my part : these being witnesses.

11. ¹ PLACITA CORAM DOMINO REGE APUD BANQUELL' DE TERMINO SANCTI MICHAELIS ANNO REGNI REGIS EDWARDI DECIMO OCTAVO. (1290.)

(m. 43d.) ² Placita Jurata et Assise alias coram Salomone de Roffa et sociis suis, Justiciariis domini Regis itinerantibus apud Wyntoniam in comitatu Suthampton, Anno Regni Regis Edwardi filii Regis Henrici, decimo octavo, incipiente decimo nono : Et postea per preceptum domini Regis, retornatum hic, prout patet in ligula de recordis de termino Pasche anno regni Regis Edwardi xviii^o.

Suthamp-
tona.

Assisa venit recognitura si Willelmus de la Charite, Willelmus serviens ejus, et Johannes atte Bregge injuste, etc., disseisiverunt Ricardum Atte Rude de Potterefeld et Margaretam uxorem ejus de libero tenemento suo in Wysehangre infra summonicionem Itineris, etc. Et unde queritur quod disseisiverunt eos de uno mesuagio, duabus carucatis terre cum pertinenciis, etc. Et Willelmus de la Charite venit ; et alii non venerunt nec fuerunt attachiati, quia non fuerunt inventi. Et Willelmus nichil dicit quare assisa remaneat. Ideo capiatur assisa.

Postea predicti Ricardus et Margareta retraxerunt se de brevi suo. Ideo predictus Willelmus inde sine die. Et predicti Ricardus et Margareta et plegii sui de proseguendo in misericordia, scilicet Johannes de Lexham de Lys et Henricus atte Rude de eadem.

Postea convenit inter eos quod predictus Willelmus cognovit predictum tenementum esse jus predicti Ricardi et Margarete et illud eis reddidit et quietum clamavit, de se et heredibus suis predictis Ricardo et Margarete et heredibus suis, imperpetuum, etc. Et pro hac, etc.

Postea in Crastino Animarum anno octavo decimo venit predictus Willelmus per Walterum de Midelton', attornatum suum, et similiter Ricardus et Margareta. Et requisitum fuit de predicto Willelmo quare fecit venire hic predictum recordum ; qui dicit quod tempore quo fecit recognicionem predictam fuit in priona, et de priona ductus fuit coram justiciariis predictis in ferris et decapillatus, tanquam priso ; et metu mortis sue coram eisdem justiciariis fecit recognicionem predictam. Et hoc paratus est verificare prout curia, etc. Et petit judicium si predicta recognicio, facta in statu quo tunc fuit, ei nocere debeat.

¹ K.B. 27/125. Bakewell Hall belonged to the expelled Jews.

² There seems to be no record among the surviving Assize Rolls.

11. PLEAS BEFORE THE LORD KING AT BAKEWELL OF THE TERM OF S. MICHAEL IN THE EIGHTEENTH YEAR OF THE REIGN OF KING EDWARD. (1290.)

Pleas, [juries] and Assizes before Salomon of Rochester and his fellows, Justices Itinerant of the lord King at Winchester in the county of Southampton, in the eighteenth year of the reign of King Edward, son of King Henry, and the nineteenth year beginning : and afterwards by precept of the lord King returned here, as appears in the file of records of Easter Term in the eighteenth year of King Edward.

Southamp-
ton.

The Assize comes to recognize if William de la Charite, William his servant, and John At-the-Bridge unjustly, etc. disseised Richard At-the-Rood of Petersfield and Margaret his wife of their free tenement in Wysehangre within the summons of the Eyre, etc. And whereof he complains that they disseised them of one messuage, two carucates of land with the appurtenances, etc. And William de la Charite comes ; and the others did not come nor were attached, because they were not found. And William says nothing why the assize is to remain. Therefore the assize is to be taken.

Afterwards the aforesaid Richard and Margaret withdrew themselves from their writ. Therefore the aforesaid William without a day for that. And the aforesaid Richard and Margaret and their pledges for prosecuting in mercy, namely John of Lexham of Liss and Henry At-the-Rood of the same.

Afterwards it was agreed between them that the aforesaid William acknowledged the aforesaid tenement to be the right of the aforesaid Richard and Margaret, and he rendered and quitclaimed it to them, from him and his heirs to the aforesaid Richard and Margaret and their heirs forever, etc. And for this, etc.

Afterwards on the Morrow of All Souls in the eighteenth year came the aforesaid William by Walter of Middleton his attorney and likewise Richard and Margaret. And it was asked of the aforesaid William why he caused the record to come here ; who says that at the time when he made the aforesaid recognizance he was in prison, and from prison he was led before the justices aforesaid in irons and shorn like a prisoner ; and in fear of his death, he made the aforesaid recognition before the same justices. And this he is prepared to aver as the Court, etc. And he asks for judgment whether the aforesaid recognizance, made in the state in which he then was, ought to harm him. And

Et requisitus si aliquid aliud velit vel sciat dicere contra predictum recordum, dicit quod non.

Et quia mandatum fuit Thesaurario et Camerariis quod predictum recordum, scrutatis rotulis predictorum justiciariorum, in custodia predictorum Thesaurarii et Camerariorum et non in custodia predictorum justiciariorum existentibus, Regi mitterent; et Regi miserunt.¹ In quo compertum est quod predicta recognicio rite facta fuit in curia domini Regis, et contra hujusmodi recognicionem sic in curia Regis factam non jacet inquisicio patrie ad verificandum contrarium; consideratum est quod predictum recordum stet in suo robore; et Ricardus et Margareta inde sine die; et Willelmus in misericordia,² etc.

- (m. 1.) **12.** PLACITA CORAM DOMINI REGIS APUD WESTMONASTERIUM DE TERMINO SANCTI HILLARII ANNO REGNI REGIS EDWARDI, FILII REGIS HENRICI, VICESIMO QUINTO BRABANZON.³ (1297.)

Adhuc de Octabis Sancti Hillarii.

(m. 5.)
Norhantona.

Preceptum fuit vicecomiti quod, quia Thomas Aumerey de villa de Brichesworth coram Thomas Sely [et]⁴ Willelmo de Benham, civibus Londonie,⁵ et Johanne de Bauquell' clerico Regis ad recogniciones debitorum in nundinis Sancti Botulphi accipiendas deputatis, recognovit se debere Tydmanno le Swarte et Elye Russel, civibus Londonie, quadraginta et tres libras, octo solidos et sex denarios, unde eis solvisse debuit ad festum Sancti Michaelis, anno regni Regis nunc vicesimo primo, viginti et unam libras, quatuor decim solidos et tres denarios; ad festum Translacionis Sancti Edwardi proximo sequens, viginti et unam libras, quatuor decim solidos et tres denarios, et illos eis ad terminos predictos non solvit, ut dicitur, corpus predicti Thome caperet et salvo in prisiona Regis custodiret quousque predictis Tydmanno et Elye de predicto debito juxta formam statuti Regis apud Acton Burnel et Westmonasterium⁶ de hujusmodi recognicionibus editi plenarie esset satisfactum. Ac vicecomes virtute precepti Regis prefatum Thomam in forma predicta custodiendum cepit, prout Regi

¹ Sic. ² 'in misericordia' in the margin is struck through in the roll.

³ K.B. 27/150. ('Rex' roll.) ⁴ 'et' is omitted in the roll.

⁵ Fairs were under the nominal supervision of the City of London.

⁶ The Statutes of 1283 and 1285 are consolidated here.

asked if he wishes to say or knows of anything else to be said against the aforesaid record, he says that he does not.

And because command was sent to the Treasurer and Chamberlains that after scrutinizing the rolls of the aforesaid justices, being in the custody of the aforesaid Treasurer and Chamberlains and not in the custody of the aforesaid justices, they should send the aforesaid record to the King; and they sent it to the King. In which [record] it is found that the aforesaid recognizance was duly made in the court of the lord King, and against a recognizance of this nature, thus made in the court of the lord King, an inquisition of the country does not lie to verify the contrary.

It is awarded that the aforesaid record stand in its strength;¹ and Richard and Margaret without a day for that; and William in mercy, etc.

12. PLEAS BEFORE THE LORD KING AT WESTMINSTER OF THE TERM OF S. HILARY IN THE TWENTY-FIFTH YEAR OF THE REIGN OF KING EDWARD, SON OF KING HENRY² BRABANZON. (1297.)

Yet of the Octaves of S. Hilary.

Northamp-
ton.

Precept was made to the sheriff that, because Thomas Aumerey of the town of Brixworth, before Thomas Sely and William of Benham, citizens of London, and John of Bakewell the King's clerk, deputed to receive recognizances of debtors in the fair of S. Botulph, acknowledged that they owed to Tydmann le Swarte and to Elyas Russel, citizens of London, forty and three pounds eight shillings and sixpence, whereof he ought to have paid to them at the Feast of S. Michael in the twenty-first year of the King that now is twenty-one pounds, fourteen shillings and threepence [and] at the Feast of the Translation of S. Edward next following twenty-one pounds, fourteen shillings and threepence and he has not paid them at the terms aforesaid, as it is said, he should take the body of the aforesaid Thomas and keep him safely in the King's prison until satisfaction shall be fully given to the aforesaid Tydmann and Elyas for the aforesaid debt, according to the form of the King's statute put forth at Acton Burnell and Westminster concerning recognizances of this sort. And the sheriff, by virtue of the King's precept, took the before-mentioned Thomas to

¹ Cf. the formula of defeasance in later 'statutes.'

² i.e. Crown cases.

returnavit, in Octabis Sancti Hillarii anno regni Regis nunc vicesimo tercio. Et idem Thomas postmodum, uno anno elapso et amplius, de toto debito predicto predictis Tydmanno et Elye plene satisfecit. Et nichilominus in prisa Regis ea occasione adhuc ad sectam predictorum Tydmanni et Elye maliciose detinetur, contra formam statuti Regis predicti, prout ex parte ipsius Thome accepit. Rex nolens ipsum Thomam ita maliciose, soluto debito, in prisa Regis detineri (capta a prefato Thoma bona et sufficiente manucapcione essendi coram Rege hic, scilicet ad hunc diem, scilicet a die Sancti Hillarii in xv. dies, ubicumque, etc., ad ostendendum quod predictum debitum predictis Tydmanno et Elye plene esset satisfactum, ut superius asserit, et ad ulterius faciendum et recipiendum quod duxerit Rex ordinandum), ipsum Thomam a prisa predicta exire permittat, si ea occasione et non alia in eadem detineatur. Et etiam quod venire faceret coram Rege ad eundem terminum predictos Tydmannum et Elyam ad computandum cum eodem Thoma de bonis et catallis ipsius Thome occasione predicta receptis. Et ad ulterius, etc., quod curia Regis, etc., si sibi viderint expedire.

Et predictus Thomas venit et similiter predictus Tydmannus per attornatum suum venit. Et Elyas non venit. Et vicecomes mandat quod nichil habet, etc. Et predictus Tydmannus petit quod predictus Thomas computet secum, etc. Et predictus Thomas dicit quod recognicio debiti predicti facta fuit predicto Tydmanno et Elye communiter, et petit si predictus Tydmannus aliquid habeat vel ostendere possit ipsum potestatem habere compotum inde recipere et acquietanciam facere sine predicto Elya, socio suo; qui dicit quod nullam habet potestatem compotum recipere nec acquietancias facere, etc., et inspecto brevi recognicionis predictae, invenitur in eodem quod recognicio illa facta fuit predictis Tydmanno et Elye communiter. Ideo datus est dies predicto Tydmanno et etiam predicto Thome per¹ Bartholomeum le Cryur de comitatu Norhantone, Johannem de Bosco de Illeya, de comitatu Suffolcie, Radulphum de Lafford de comitatu Lincolnesire, Thomam de Chaunceus de comitatu Norhanton', Henricum de Mancestria de comitatu Warrewici, et Galfridum de Lakenham de comitatu Norfolcie, a die Pasche in tres septimanas, qui manuceperunt predictum Thomam habendi corpus ejus coram Rege ad prefatum terminum ad computandum, etc. Et testatum est in

¹ Sic.

be kept in ward in the form aforesaid, as he returned to the King, in the Octaves of S. Hilary in the twenty-third year of the reign of the King that now is. And the same Thomas after a time, with the lapse of a year and more, fully satisfied the aforesaid Tydmann and Elyas in respect of the whole debt aforesaid. And none the less he is still maliciously detained at the suit of the aforesaid Tydmann and Elyas in the King's prison on that account contrary to the form of the statute aforesaid, as the King has gathered from the side of him, Thomas. The King not wishing him, Thomas, to be thus maliciously detained in the King's prison after the debt is paid, [the sheriff] is to permit him, Thomas, to go forth from the prison aforesaid (if he be detained in the same for that cause and not for another), good and sufficient mainprise being taken from the before-mentioned Thomas for being before the King here, namely in 15 days of S. Hilary, wheresoever, etc., to show that the aforesaid debt has been fully satisfied to the aforesaid Tydmann and Elyas, as he asserts above, and further to do and to receive what the King shall have thought good. And also that he cause to come before the King at the same term the aforesaid Tydmann and Elyas to account with the same Thomas for the goods and chattels of him, Thomas, received on the aforesaid occasion. And further to, etc., what the King's court, etc., if they shall think it expedient.

And the aforesaid Thomas comes and likewise Tydmann by his attorney comes. And Elyas does not come. And the sheriff reports that he has nothing, etc. And the aforesaid Tydmann seeks that the aforesaid Thomas do account with him, etc. And the aforesaid Thomas says that the recognizance of the debt aforesaid was made to the aforesaid Tydmann and Elyas in common, and he seeks, if the aforesaid Tydmann has anything or is able to show anything, he have power to receive an account and to make acquittance thereof without Elyas his partner; who says that he [Tydmann] has no power to receive an account nor to make acquittances, etc. And from inspection of the bill of the recognizance aforesaid, it is found in the same that that recognizance was made to the aforesaid Tydmann and Elyas in common. Therefore a day is given to the aforesaid Tydmann and also to the aforesaid Thomas by [mainprise of] Bartholomew the Crier of the county court of Northamptonshire, John de Bosco of Illeigh of the county of Suffolk, Ralph of Lafford of the county of Lincolnshire, Thomas de Chaunceus of the county of Northamptonshire, Henry of [Manchester] of the county of Warwick and Geoffrey of Lakenham of the county of Norfolk, who mainperned the aforesaid Thomas to have his body before the King in three weeks of Easter, at the before-mentioned term to account, etc. And it is testified in the court, etc., that the aforesaid

curia, etc., quod predictus Elias est in partibus Almanye in servicio domini Regis, etc. Ideo dictum est predicto Tydmanni quod sequatur breve ad ipsum Elyam premuniendum quod sit coram Rege ad eundem terminum si ad partes istas venerit, ad computandum simul, etc., si sibi viderit expedire, etc.

- (m. 3.) **13.** ¹ CURIA HENRICI LE GALEYS, MAJORIS, DIE MERCURII PROXIMA ANTE FESTUM SANCTI VALENTINI, ANNO REGNI REGIS EDWARDI XXVIJ°. (1299.)

Ad quem diem Dominus Rex mandavit breve suum Henrico le Galeys in hec verba :

Breve.

Edwardus Dei gracia, etc., dilecto et fideli suo Henrico le Galeys, majori civitatis Londonie, salutem. Querelam Radulphi Hardel recepimus continentem quod, cum ipse nuper coram Radulpho de Sandwyco, custodi civitatis nostre predictæ, et Johanne de Banquell', clerico nostro, ad recognitiones debitorum in eadem civitate accipiendas deputatis, recognov[it] se debere Reymundo de Nevile et Arnaldo de Squinetta xxxij libras, solvendas ad certos dies, juxta formam Statuti nostri predicti eisdem² Remundo³ et Arnaldo satisfecerit et acquietanciam inde habuerit, iidem tamen Reymundus et Arnaldus predictum Radulphum, virtute Statuti predicti (ac si predictam pecuniam non solvisset), per vos capi et in prisiona nostra de Neugate deteneri maliciose procuraverunt, ad ipsius dampni non modici et gravamen. Nolentes, igitur, ipsum Radulphum taliter indebite pregravari, vobis mandamus quod, inspectis acquietanciis predictis, si per inspectionem ejusdem³ (testimonio predictorum Radulphi de Sandwyco et Johannis, coram vobis convocatorum) vobis constare possit, ipsum Radulphum Hardel a prisiona predicta (si ea occasione et non alia detinetur in eadem) prout justum fuerit deliberari faceretis. Teste me ipso, apud Loweder', nono die Julii, anno regni nostri xxvj^{to}.

Per quod mandatum predictus Remundus et Arnaldus premuniti sunt quod sint hic ostensuri, etc. Et ipsi venerunt et Radulphus Hardel similiter, etc. Et Remundus et Arnaldus petierunt si idem Radulphus habeat aliquid pro se contra debitum predictum, etc. Et Radulphus allegavit quod ipse habet sufficientes acquietancias de predicto debito. Dicit enim quod quidam dominus Hugo de Hengham, clericus, habet easdem litteras acquietancie in custodia, per quod ad eas advenire

¹ City of London, Guildhall Records, Mayor's Court Roll (b). See Introduction, pp. xxxii, xxxvii, xlii-xliv.

² The roll inserts 'eidem Remundo et Arnaldo.'

³ Sic.

Elias is in the parts of Almain, in the service of the lord King, etc. Therefore it is said to the aforesaid Tydmann that he sue for a writ to premonish him, Elyas, that he is to be before the King at the same term if he shall have come to those parts, to account together with, etc., if it shall seem expedient to him. etc.

13. THE COURT OF HENRY LE GALEYS, MAYOR, ON WEDNESDAY NEXT BEFORE THE FEAST OF S. VALENTINE, IN THE 27TH YEAR OF THE REIGN OF KING EDWARD. (1299.)

At which day the lord King dispatched his writ to Henry le Galeys in these words :

The writ.

Edward by the grace of God, etc., to his beloved and faithful Henry le Galeys, mayor of the City of London, greeting. We have received the complaint of Ralph Hardel containing that whereas lately before Ralph of Sandwich, keeper of our city aforesaid, and John of Bakewell our clerk, deputed to take recognizances of debts in the same city, he recognized that he owed to Reymund de Nevile and to Arnald de Squinette 32*l.*, to be paid to the same Reymund and Arnald at certain days, he gave satisfaction according to the form of our Statute aforesaid,¹ and had an acquittance thereof, the same Reymund and Arnald, however, by virtue of the Statute aforesaid maliciously procured the aforesaid Ralph (as though he had not paid the aforesaid money) to be taken by you and detained in our prison of Newgate, to his no small loss and grievance. We not willing, therefore, that he, Ralph, should be thus unduly aggrieved, command you that after inspecting the acquittances aforesaid, if by inspection of the same (on the testimony of the aforesaid Ralph of Sandwich and John, called together before you) you are able to establish the facts, you shall cause him, Ralph Hardel, to be delivered from the prison aforesaid, as would be just (if he is detained in the same on that charge and not on another). Witness myself, at Lowther, the ninth day of July, in the 26th year of our reign.

By which commandment the aforesaid Reymund and Arnald were premonished that they should be here to show, etc. And they came and Ralph Hardel likewise, etc. And Reymund and Arnald sought, if the same Ralph have anything for himself against the debt aforesaid, etc. And Ralph alleged that he has sufficient acquittances in respect of the aforesaid debt. For he says that a certain Sir Hugh of Hengham, clerk, has the same letters of acquittance in his custody,

¹ The formula of the writ here and below seems to be somewhat vague and inconsistent at this point.

non potest ad presens; et petit respectum quod ipse possit post ipsas mandare, etc. Et datus est dies, etc. Et interim predictus Radulphus custodiatur. Et predicti Remundus et Arnaldus ponunt loco suo Otonem mercatorem de Tolosano, versus predictum Radulphum de placito execucionis cuiusdam statuti, etc.

Postea Radulphus venit et ostendit in curia hic tres acquietancias sub nominibus predictorum Remundi et Arnaldi mencionem facientes de vij*li.* et xs.; de quibus una acquietancia facit mencionem quod predicti Remundus et Arnaldus remiserunt et quietum clamaverunt predicto Radulpho et heredibus suis, pro ipsis et heredibus suis, omnem accionem quam habent, vel aliqua ratione erga Radulphum Hardel habere potuerunt, de toto predicto debito predictum statutum tangente, sicut plenius in eadem acquietancia continetur; et petit quod predictae acquietancie sibi allocentur, prout justum fuerit; et quod ipse a prisona predicta deliberetur secundum formam juris, etc.

Et predicti Remundus et Arnaldus veniunt per Otonem attornatum suum, etc., et Oto, tamquam attornatus, dicit quod ipse penitus ignorat utrum predictae quietancie, facte sub nominibus¹ eorundem Remundi et Arnaldi, fuerint² factum suum vel ne; et petit quod iste acquietancie remaneant in custodia usque ad proximum adventum eorundem Remundi et Arnaldi in Angliam; qui modo sunt in partibus transmarinis, etc. Et Radulphus dicit quod ipse paratus est verificare quando, etc., quod ipse per predictas acquietancias plenarie satisfecit predictis mercatoribus de predictis debitis; et quod illud est factum predicti Remundi et Arnaldi, etc.

Et quia in absencia predictorum mercatorum predictus Radulphus predictas acquietancias ostendit sub nominibus predictorum mercatorum, in quorum absencia distincte convinci non potest utrum fuit factum eorundem, necne, predictus Radulphus bene concessit, ex mera voluntate sua, quod predictae littere remanerent penes predictum majorem custodiende quousque predicti mercatores a partibus transmarinis in Angliam rediissent, etc. Et predictus Oto attornatus similiter hoc concessit. Et concessum est eidem Radulpho quod interim deliberetur sub manucapcione. Ita videlicet quod si predictus Radulphus verificare non possit quod predictae littere non sunt factum predictorum mercatorum, predicti manucaptiores de corpore ipsius Radulphi predicto majori respondeant, vel predictis mercatoribus de debito predicto, etc. Ita, videlicet, quod predictus Radulphus interim

Custodiatur. custodiatur, donec predictam manucaptionem invenerit in forma predicta.

¹ 'nomine' in roll.

² 'fuerit' in roll.

wherefore he is not able to get to them at present ; and he seeks a respite that he may be able to send after them, etc. And a day is given, etc. And meanwhile the aforesaid Ralph is to be in ward. And the aforesaid Reymund and Arnald put in their place Otho, merchant of Toulouse, against the aforesaid Ralph in a plea of the execution of a certain 'statute,' etc.

Afterwards Ralph comes and shows in court three acquittances under the names of the aforesaid Reymund and Arnald making mention of 7*l.* and 10*s.* ; of which one acquittance makes mention that the aforesaid Reymund and Arnald remitted and quitclaimed to Ralph Hardel and to his heirs, for themselves and their heirs, every action that they have, or for any reason could have against Ralph Hardel in respect of the whole aforesaid debt touching the aforesaid 'statute,' as in the same acquittance is more fully contained, and he seeks that the aforesaid acquittances be allowed to him, as must be just ; and that he himself should be delivered from prison according to the form of law, etc.

And the aforesaid Reymund and Arnald come by Otho their attorney, etc., and Otho, as attorney, says that he himself is wholly ignorant whether the aforesaid acquittances made under the names of the same Reymund and Arnald were their deed or not ; and he seeks that those acquittances may remain in custody until the next coming of the same Reymund and Arnald into England, who are now in the parts beyond sea, etc. And Ralph says that he is prepared to aver when, etc., that he as by the aforesaid acquittances did fully satisfy the aforesaid merchants for the aforesaid debts ; and that it is the deed of the aforesaid Reymund and Arnald, etc.

And because in the absence of the aforesaid merchants the aforesaid Ralph showed the aforesaid acquittances under the names of the aforesaid merchants, in whose absence there cannot be distinct conviction whether it was the deed of the same or not, the aforesaid Ralph well granted, of his mere will, that the aforesaid letters should remain with the aforesaid mayor, in his keeping, until the aforesaid merchants had returned to England from the parts beyond the sea, etc. And the aforesaid Otho, the attorney, likewise granted this. And it is granted to the same Ralph that in the meantime he be delivered under mainprise. That is to say if the aforesaid Ralph be not able to aver that the aforesaid letters are [*not*] the deed of the aforesaid merchants, the aforesaid mainpernors of the body of him, Ralph, are to answer to the aforesaid mayor or to the aforesaid merchants concerning the debt aforesaid, etc. So, namely, that the aforesaid Ralph be in custody meanwhile, until he shall have found the aforesaid mainprise in the form aforesaid.

(m. 9.) ¹ **Adhuc de Curia Henrici le Galeys majoris—die Mercurii proxima post festum Exaltacionis Sancti Crucis anno regni Regis Edwardi xxvij^o.**

Dominus Rex mandavit breve suum majori et vicecomitibus Londonie in hec verba, etc :

Edwardus Dei gratia, etc., majori et vicecomitibus Londonie, salutem. Ex gravi querela Radulphi Hardel accepimus quod, licet ipse [de] triginta et duabus libris (quas nuper coram Radulpho de Sandwico, tunc custode civitatis nostre Londonie et Johanne de Banquell', ad recogniciones debitorum in eadem civitate accipiendas deputatis, recognoverat se debere Remundo de Nevile et Arnaldo de Squinat solvendas ad certum terminum, jam preteritum), juxta formam Statuti nostri de recognicionibus debitorum pro mercatoribus editi, prefatis Remundo et Arnaldo diu est ad plenum satisfecerit et quietancias inde habuerit sufficientes, iidem tamen Reymundus et Arnaldus prefatum Radulphum, virtute Statuti predicti, per vos capi et in prisona nostra de Neugate, per magnum tempus post satisfactionem predictam, detineri maliciose et contra formam Statuti ejusdem procuraverunt; per quod vobis precepimus quod, inspectis quietanciis predictis, si per inspectionem eorundem aut alio modo legitimo vobis constare posset prefatis Reymundo et Arnaldo de predicta pecunie summa per prefatum Radulphum juxta formam Statuti predicti fuisse,² sicut premittitur, satisfactum, tunc ipsum Radulphum a prisona predicta, si ea occasione et non alia detentus esset in eadem, feceritis sine dilacione, prout justum fuerit, deliberari vel causam nobis significaretis quare mandata nostra vobis pluries inde directa exequi noluistis vel non debuistis. Ac vos mandata nostra predicta parvi pendentes, predictum Radulphum, quamquam diu est paratus extiterit, rationabiliter docere coram vobis se debito predicto prefatis Reymundo et Arnaldo satisfecisse, per quod a predicta prisona per formam statuti illius deliberari debuerat, a prisona hucusque deliberare, vel causam quare hoc facere noluistis vel non debuistis nobis significare non curaveritis, in nostri ac mandatorum nostrorum predictorum contemptum manifestum, et ipsius Radulphi dampnum non modicum et gravamen—de quo miramur plurimum et movemur.

Et quia nolumus ipsum Radulphum contra formam statuti predicti indebite pregravari, vobis adhuc precipimus quod tam prefatum Radulphum quam predictos Reymundum et Arnaldum coram vobis venire et, auditis eorum hinc inde rationibus, si per quietancias predictas vel alio modo legitimo vobis constare possit eisdem Reymundo et Arnaldo

¹ City of London, Guildhall Records, Mayor's Court Plea Roll (b).

² 'fuisse' is interlined after 'Statuti' in the roll.

Yet of the Court of Henry le Galeys, mayor, on Wednesday next after the Exaltation of the Holy Cross, in the 27th year of the reign of King Edward.

The lord King dispatched his writ to the mayor and sheriffs of London in these words, etc. :

Edward by the grace of God, etc., to the mayor and sheriffs of London, greeting. We have gathered from the grievous complaint of Ralph Hardel that although [for] thirty and two pounds (which of late he had recognized before Ralph of Sandwich, then keeper of our city of London, and John of Bakewell, deputed to receive recognizances of debts in the same city, that he owed to Reymund de Nevile and Arnald de Squinat to be paid at a certain term now past), he long since, according to the form of our Statute put forth concerning recognizances of debts for merchants, fully satisfied the before-mentioned Reymund and Arnald and had sufficient quittances thereof, the same Reymund and Arnald procured the before-mentioned Ralph to be taken by you, by virtue of the Statute aforesaid, and detained maliciously and against the form of the same Statute in our prison of Newgate for a long time after the satisfaction aforesaid ; wherefore we ordered you that after inspecting the quittances aforesaid, if by inspection of the same or by other legitimate method you should be able to establish that satisfaction has been given according to the form of the Statute aforesaid to the before-mentioned Reymund and Arnald, as is promised, you shall according to the tenor of our mandates aforesaid directed to you therein cause him, Ralph, to be delivered from the prison aforesaid, without delay, as would be just, or signify to us wherefore you would not or ought not to have executed our mandates many times directed to you therein. And you, giving small attention to our mandates aforesaid, have not cared as yet to deliver the aforesaid Ralph from prison or to signify to us the cause wherefore you were not willing or should not do this, although he has been long prepared to show reasonably before you that he has satisfied the before-mentioned Reymund and Arnald for the debt aforesaid, whereby in the form of that Statute, he had to be delivered from the prison aforesaid, in manifest contempt of us and our mandates aforesaid and to the no small loss and grievance of him, Ralph—at which we are much surprised and moved.

And because we are unwilling for him, Ralph, to be unduly oppressed against the form of the Statute aforesaid, we yet order that you shall cause as well the before-mentioned Ralph as the aforesaid Reymund and Arnald to come before you ; and after hearing their reasonings on both sides, if by the quittances aforesaid or by other legitimate means it can be established that satisfaction has been given by the before-mentioned Ralph to the same Reymund and Arnald

de debito predicto per dictum Radulphum satisfactum fuisse, sicut predictum est, tunc ipsum Radulphum a prisa predicta, juxta tenorem mandatorum nostrorum predictorum vobis inde directorum, sine dilacione deliberari faceretis; alioquin vos ipsi sitis coram nobis in Octabis Sancti Michaelis, ubicumque tunc fuerimus in Anglia, ostensuri quare mandata nostra predicta exequi contempsistis. Et habeatis ibi tunc hoc breve. Teste me ipso apud Cantuariam xj die Julii, anno regni nostri xxvij^o.

¹ Per quod mandatum tam Radulphus Hardel quam prefati Raymundus et Arnaldus premuniti fuerunt secundum formam brevis predicti.

Et Radulphus venit et quesitus si aliquid habeat pro se vel dicere sciat contra Statutum predictum, quare ipse prefatis Reymundo et Arnaldo, predictas xxxij libras solvere non debeat, sicut predictum est, etc. Et Radulphus venit et ostendit in curia hic quandam quietanciam sub nominibus predictorum Reymundi et Arnaldi, in qua continetur quod iidem Reymundus et Arnaldus remiserunt et quietum clamaverunt prefato Radulpho Hardel omnimodas actiones et demandas quas habuerint vel quoquo alio modo legitimo habere potuerint in predictis triginta et duabus libris, quas nuper coram Radulpho de Sandwyco, tunc custode civitatis Londonie, et Johanne de Banquell' ad recognitiones debitorum in eadem civitate accipiendas deputatis, recognoverat se predictis Reymundo et Arnaldo debere, solvendas ad certum terminum jam preteritum, juxta formam Statuti predicti, etc. Que quidem quietancia visa fuit in curia hic, que hoc testatur; et petit quod deliberetur a prisa predicta desicut ipse ostendit quietanciam de predicto debito sufficienter, etc. Et predictus Arnaldus non venit; et Reymundus dicit quod predictum scriptum non est factum suum nec quod ipsi illud scriptum unquam nomine acquietacionis eidem Radulpho, ut premittitur, aliquo tempore fecerunt, sicut ipse dicit, etc.

Et petit quod hoc inquiratur per mercatores privatos et extraneos de communitate, etc. Et Radulphus similiter, etc. Ideo summoneatur patria ad diem Veneris proximo sequentem. Et idem dies, etc. Et quia predictum scriptum fuit dedictum per eosdem Reymundum et Arnaldum, traditum fuit custodiendum Johanni de Donestaple, sub sigillo predicti Reymundi, quousque, etc.

Postea venerunt predicti Radulphus et Reymundus. Et Radulphus gratis concessit et posuit se precise in arbitrio quatuor proborum et legalium hominum per ipsum et Reymundum nominatorum, videlicet, Johannis le Clerc, coronatoris predictae civitatis, Roberti Hardel, Galfridi de Brakele et Reginaldi le Barber de Vinetre, de omnibus causis, querelis

¹ The suit had been remitted by the Chancery to the city court for audit and arbitration. Several words are interlined.

in respect of the aforesaid debt, as is aforesaid, then you were to cause him, Ralph, to be delivered from the prison aforesaid without delay, according to the tenor of our mandates aforesaid directed to you therein, or else that you yourselves are to be before us in the Octaves of S. Michael, wheresoever we shall then be in England, to show wherefore you have contempned to execute our mandates aforesaid. And you are to have there this writ. Witness myself at Canterbury, the 11th day of July in the 27th year of our reign.

By which mandate as well Ralph Hardel as the aforesaid Reymund and Arnald were premonished according to the form of the writ aforesaid.

And Ralph comes and is asked if he may have on his behalf or can say anything against the Statute aforesaid, wherefore he ought not to pay the aforesaid 32*l.* to the before-mentioned Reymund and Arnald, as is aforesaid, etc. And Ralph comes and shows in court here a certain quittance under the names of the aforesaid Reymund and Arnald, in which is contained that the same Reymund and Arnald have remitted and quitclaimed to the before-mentioned Ralph Hardel all sorts of actions and demands which they had or in any other legitimate manner might have in the aforesaid thirty and two pounds (which lately, before Ralph of Sandwich and John of Bakewell deputed to accept recognizances of debts in the same city he had recognized that he owed to the aforesaid Reymund and Arnald, to be paid at a certain term now passed, according to the form of the Statute aforesaid, etc. Which quittance, indeed, was seen in the court here, which testifies this) and he seeks that he may be delivered from the prison aforesaid, inasmuch as he himself has shown a quittance in respect of the aforesaid debt sufficiently, etc. And the aforesaid Arnald does not come; and Reymund says that the aforesaid writing is not his deed, and that they did not at any time ever make that writing, as is premised, in the style of an acquittance to the same Ralph, as he [Ralph] says, etc.

And they seek that this may be inquired by private and foreign merchants of the community, etc. And Ralph likewise, etc. Therefore let the ¹ country be summoned for Friday next following. And the same day, etc. And because the aforesaid writing was denied by the same Reymund and Arnald, it was handed for custody to John of Dunstable, under the seal of the aforesaid Reymund, until, etc.

Afterwards came the aforesaid Ralph and Reymund. And Ralph freely granted and put himself precisely on the arbitration of four good and lawful men nominated by himself and Reymund, namely, John the clerk, coroner of the aforesaid city, Robert Hardel, Geoffrey of Brackley and Reginald the barber of Vinetree, in respect of all causes,

¹ *i.e.* inquisition of the.

et demandis predictum statutum et debitum predictum aliquomodo contingentibus. Et si idem Johannes et alii arbitratore predicti se invicem super premissis concordari non possent seu adunari quod ipsi tunc Richerum de Refham sibi inde admitterent quintum arbitratorem in forma predicta. Et quod ipse staret de alto et basso in omnibus ordinacionibus et constitucionibus eorundem Johannis et aliorum arbitratorum predictorum super premissis per ipsos inde ordinatis et constitutis, ab initio mundi usque ad hunc diem, sicut predictum est, etc.

Et ad hec fideliter observanda et tenenda in forma predicta predictus Radulphus Hardel coram majore et vicecomitibus Londonie et aldremanis ejusdem civitatis corporale prestitit sacramentum, etc. Et Remundus pro se et Arnaldo socio suo predicto, coram, etc., idem prestitit sacramentum in forma predicta, etc. Per quod preceptum fuit servientibus quod summoneant predictos Johannem et alios arbitratore predictos quod essent hic ad diem Veneris proximo sequentem ad arbitrandum super premissis, etc., in quibus prefati Radulphus et Reymundus tam pro se quam pro Arnaldo socio suo predicto inde se posuerunt nomine arbitracionis in forma predicta, etc.

Arbitrium.

Postea die Veneris sequenti venerunt predicti Johannes le Clerc coronator et alii socii sui arbitratore predicti coram majore, etc. Et dicunt et definiunt auctoritate arbitrii predicti, in quo tam prefatus Reymundus, pro se et Arnaldo, socio suo predicto, quam prefatus Radulphus Hardel, in omnibus causis et querelis, ut premittitur, se posuerunt, etc., quod prefatus Reymundus pro se et predicto Arnaldo remittet et quietum clamabit pro se et heredibus et assignatis suis omnes actiones demandas et querelas predicto Radulpho et heredibus, [etc.], quas habuit vel aliquo modo habere potuit erga eundem Radulphum racione Statuti predicti et debiti predicti in futurum, etc. Et eciam omnimoda alias actiones, demandas et querelas quascumque quas ipse vel predictus Arnaldus versus eundem Radulphum, racione alicujus contractus cujuscumque debiti, habuerint seu aliquo alio modo legitimo habere potuerint, ab initio mundi usque ad diem Veneris predictam, anno supradicto, etc. Et quod iidem Reymundus et Arnaldus prefato Radulpho suas litteras inde faciant patentes in forma predicta, etc. Et pro hac autem remissione, etc., prefatus Radulphus Hardel solvat prefatis Reymundo et Arnaldo, socio suo, decem marcas.

Et sic omnibus allocatis allocandis partibus predictis et eorum rationibus et eorum instrumentis hinc inde inspectis et auditis,¹ idem Radulphus nihilominus suas litteras predictis Reymundo et Arnaldo faciat patentes de omnibus demandis, accionibus et querelis. Sicut premittitur per considerationem arbitrii predicti, etc.

¹ 'audiatis' in roll. Several words are interlined here.

quarrels and demands in any way contingent on the same statute and debt. And if the same John and the other arbitrators cannot agree one with another upon the premises nor unite, that they then should admit unto themselves in the matter Richer of Reepham a fifth arbitrator in the form aforesaid. And that he should be subject to all ordinances and constitutions of the same John and the other arbitrators aforesaid upon the premises ordained and constituted therein by themselves, from the beginning of the World until this day, as is aforesaid, etc.

And to observe these things faithfully and to keep them in the form aforesaid the aforesaid Ralph Hardel before the mayor and sheriffs of London and the aldermen of the same city took his corporal oath, etc. [*And Reymund for himself and partner likewise.*] Whereby precept was made to the serjeants that they summon the aforesaid John and the other arbitrators aforesaid that they should be here on Friday next following to arbitrate upon the premises, etc., on which the aforesaid Ralph and Reymund, as well for themselves as for Arnald his partner aforesaid have put themselves in the name of arbitration thereof in the form aforesaid, etc.

The
arbitration.

Afterwards, on the Friday following came the aforesaid John the Clerk, coroner, and the others his fellow arbitrators aforesaid before the mayor, etc. And they say definitely on the authority of the arbitration aforesaid (on which as well the before-mentioned Reymund for himself and Arnald his partner aforesaid, as the before-mentioned Ralph Hardel put themselves in all causes and quarrels as is premised, etc.) that the before-mentioned Reymund for himself and the aforesaid Arnald shall remit and quitclaim for themselves and their heirs and assigns to the aforesaid Ralph and to his heirs [*etc.*] all actions, demands, and quarrels which he had or in anywise could have towards the same Ralph by reason of the Statute aforesaid and of the aforesaid debt in the future, etc. And also all manner of other actions, demands and quarrels whatsoever which he or the aforesaid Arnald might have by reason of any contract of any debt whatsoever or have in any other legitimate manner from the beginning of the world unto the aforesaid Friday in the year abovesaid, etc. And that the same Reymund and Arnald are to make to the before-mentioned Ralph their letters patent thereof in the form aforesaid, etc. And for this remission, etc., however, the before-mentioned Ralph Hardel is to pay to the before-mentioned Reymund and Arnald his partner ten marcs.

And so, all due allowances being made to the parties aforesaid and their reasonings and instruments on both sides being inspected and heard, the same Ralph none the less is to make his letters patent to the aforesaid Reymund and Arnald concerning all demands, actions and quarrels [*as premised in the above award*].

14. ¹ PLACITA CORAM DOMINO REGE APUD EBORACUM DE TERMINO
PASCHE ANNO REGNI REGIS EDWARDI FILII REGIS HENRICI
VICESIMO OCTAVO—XXVIII—BRABANZON—(*Rex*). (1300.)

Adhuc de Tribus Septimanis Pasche.

(m. 28.)
Dorseta.

Walterus de Derneford' in misericordia pro pluribus defaultis.

Idem Walterus attachiatus fuit ad respondendum Petro de Monte Alto de placito quare (cum dominus Rex vicecomiti suo Dorsete precepisset quod quia Petrus de Monte Alto debuit predicto Waltero viginti libras, videlicet in festo Purificacionis Beate Marie, anno regni Regis nunc decimo octavo, decem marcas, et in festo Nativitatis Beati Johannis Baptiste proximo sequente decem marcas, et in festo Sancti Michaelis proximo sequente decem marcas, sicut Regi constat per inspectionem rotulorum Cancellarie sue, predictam pecuniam de terris et catallis predicti Petri in balliva sua fieri faceret et illam haberet coram Rege a die Pasche in xv. dies, anno regni Regis nunc vicesimo sexto, ubicumque, etc., ad reddendum prefato Waltero occasione predicta; et idem vicecomes ad eundem terminum Regi retornasset quod nulla bona seu catalla in terris et tenementis predicti Petri invenisset, unde, aliquam pecuniam levasse potuisset. Et idem Walterus super hoc venisset in curia Regis et elegisset habere omnia bona et catalla predicti Petri et eciam medietatem omnium terrarum et tenementorum suorum tenenda secundum formam Statuti, etc.)² eidem vicecomiti precepisset quod omnia bona et catalla ipsius Petri, ubicumque, etc., exceptis bobus, etc., et eciam medietatem omnium terrarum et tenementorum deliberari faceret prefato Waltero, tenenda quousque, etc. Et quid inde, etc., scire faceret Regi in Octabis Sancti Michaelis proximo sequent[ibus]; et ideo vicecomes ad prefatum terminum retornavit quod liberavit predicto Waltero omnia bona et catalla predicti Petri que inventa fuerunt in balliva sua, et eciam medietatem omnium terrarum et tenementorum suorum, tenenda in forma predicta. Cumque idem Petrus postea coram Rege venisset et graviter conquestus fuisset quod, licet prefatus Walterus de terris et bonis et catallis ipsius Petri, eidem Waltero occasione predicta per vicecomitem liberatis, predictas viginti libras integre et amplius per se et suos levasset et percepisset, ipse tamen Walterus terras et tenementa

¹ K.B. 27/161.

² Westm. II, c. 18.

**14. PLEAS BEFORE THE LORD KING AT YORK OF THE TERM OF
EASTER IN THE TWENTY-EIGHTH YEAR OF THE REIGN OF KING
EDWARD, SON OF KING HENRY : 28 : BRABANZON (*Crown cases*).
(1300.)**

Yet of the Three Weeks of Easter.

Dorset.

Walter of Durnford in mercy for many defaults :

The same Walter was attached to answer to Peter de Monte Alto on a plea wherefore (when the lord King had ordered his sheriff of Dorset that because Peter de Monte Alto owed to the aforesaid Walter twenty pounds, namely in the Feast of the Purification of the Blessed Mary, in the eighteenth year of the reign of the King that now is, ten marcs ; and in the Feast of the Nativity of S. John the Baptist next following, ten marcs ; and in the Feast of S. Michael next following, ten marcs, as appears to the King by inspection of the Rolls of his Chancery, he was to make up the aforesaid money from the lands and chattels of the aforesaid Peter in his bailiwick and to have that before the King in 15 days from Easter day in the twenty-sixth year of the now King, wheresoever, etc. to render to the before-mentioned Walter on the occasion aforesaid : and the same sheriff at the same term returned to the King that he had found no goods or chattels in the lands and tenements of the aforesaid Peter from which he had been able to levy any money and the same Walter hereupon had come in the King's court and elected to have all the goods and chattels of the aforesaid Peter wheresoever, etc., except oxen, etc. ; and also the half of all his lands and tenements, to be held according to the form of the Statute, etc.) he had ordered the same sheriff that he should cause to be delivered to the before-mentioned Walter the half of all his lands and tenements, to be held until, etc. ; and that he should make the King to know in the Octaves of S. Michael next following what he did in the matter, etc. ; and therefore the sheriff returned at the same term that he delivered to the aforesaid Walter all the goods and chattels of the aforesaid Peter which were found in his bailiwick and also the half of all his lands and tenements, to be held in form aforesaid ; and that when the same Peter afterwards came before the King and complained grievously that, although the before-mentioned Walter had levied and taken in hand the aforesaid twenty pounds and more by himself and his people from the lands and tenements delivered to the same Walter by the sheriff on the occasion aforesaid, he, Walter, however,

ipsius Petri adhuc in manu sua tenet et ei restituere contradicit, ad grave damnum ipsius Petri et contra formam Statuti Regis predicti.

Et quia Rex voluit, si ita esset, eidem Petro in hac parte subvenire, preceptum esset vicecomiti quod venire faceret coram Rege a die Sancti Michaelis in xv. dies proximo preteriti, predictum Walterum ad computandum cum predicto Petro tam super receptione bonorum et catallorum, quam super exitu et valore terrarum et tenementorum eidem Waltero per vicecomitem liberatorum, et ulterius, etc. Qui adtunc non venit. Per quod preceptum fuit vicecomiti quod distringeret eum; ita quod haberet corpus ejus coram Rege hic ad hunc diem, scilicet a die Pasche in tres septimanas, ad computandum in forma predicta.

Et predictus Walterus modo venit et similiter predictus Petrus venit. Et predictus Petrus dicit quod predictus Walterus plene perpacatus est de predictis xx libris. Dicit enim quod idem Petrus solvit eidem Waltero per diversas vices totam predictam pecuniam, et amplius; et quod idem Walterus de illa solucione fecit ei quinque tallias, quas profert, et que tallie coram Rege ostense excedunt predictas xx libras in undecim solidis, duobus denariis, obolo, quadrante. Et predictus Walterus habito respectu predictarum talliarum cognoscit unam talliam de predictis quinque talliis, in qua continentur decem libre, set de quatuor talliis dicit quod nichil scit; nec umquam tallias illas predicto Petro fecit in solucione alicujus debiti. Et predictus Petrus dicit quod predictus Walterus fecit ei predictas tallias occasione solucionis predicti debiti, ut predictum est: et hoc paratus est verificare per patriam. Et Walterus similiter. Ideo veniat inde jurata coram rege a die Sancte Trinitatis in xv. dies ubicumque, etc. Quia tam, etc.

Et quia predictae tallie facte fuerunt apud Wymburne Minster in comitatu predicto, preceptum est vicecomiti quod venire faciat xxiiij^{or} de visneto illo, etc.

still holds in his hand the lands and tenements of him, Peter, and refuses to restore them to him, to the grave loss of him, Peter, and against the form of the King's statute aforesaid.

And because the King wished, if it were so, to come to the aid of the same Peter in this cause, precept was made to the sheriff that he should make the aforesaid Walter come before the King, in 15 days of S. Michael last past, to accompt with the aforesaid Peter as well for the receipt of goods and chattels, as for the issue and value of the lands and tenements delivered to the same Walter by the sheriff, and further, etc.¹ Who at that day came not. Whereby precept was made to the sheriff that he should distrain him; so that he should have his body before the King, here, at this day, namely in three weeks of Easter day to account in the form aforesaid.

And the aforesaid Walter now comes, and likewise the aforesaid Peter comes, and the aforesaid Peter says that the aforesaid Walter is well paid in respect of the aforesaid 20*l*. For he says that the same Peter paid to the same Walter at divers times the whole of the aforesaid money; and that the same Walter made acquittance to him by five tallies, which he proffers, and which tallies shown before the King exceed the aforesaid 20*l*. by eleven shillings and twopence three farthings. And the aforesaid Walter, having made review of the aforesaid tallies, acknowledges one tally of the aforesaid five tallies in which ten pounds are contained; but of the four [other] tallies he says that he knows nothing; nor ever made those tallies to the aforesaid Peter in payment of any debt. And the aforesaid Peter says that the aforesaid Walter made him the aforesaid tallies on the occasion of the payment of the same debt, as is aforesaid; and this he is prepared to aver by the country. And Walter likewise. Therefore let a jury come thereof before the King in 15 days of the Holy Trinity, wheresoever, etc. Because as well, etc.

And because the aforesaid tallies were made at Wimborne Minster in the county aforesaid, precept is made to the sheriff that he make to come there 24 of the countryside, etc.

¹ *i.e.* to receive the further pleasure of the Court.

- 15.** ¹ PLACITA APUD WESTMONASTERIUM CORAM R[ADULPHUM DE HENGHAM ET SOCIIS SUIS, JUSTICIARIIS DOMINI REGIS DE BANCO, DE TERMINO PASCHE ANNO REGNI REGIS EDWARDI, FILII REGIS EDWARDI PRIMO—HENGHAM. (1308.)

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Adhuc de Quindena Pasche.

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(m. 29d.)
Oxon'.

Dominus Rex mandavit justiciariis breve suum hic in hec verba :

Edwardus, Dei gratia Rex Anglie, Dominus Hibernie et Dux Aquitannie justiciariis suis de Banco, salutem. Suggestit nobis Ricardus de Aberbury quod Ricardus de Lymbottesseye et magister Ricardus de Middelton', fraudulententer machinantes, terras et tenementa Erneburge, tunc uxoris predicti Ricardi de Lymbottesseye, ad quas-cumque manus per vendicionem vel alio modo devenirent, in magnis pecuniarum summis onerari, et prefatam Erneburgam, maliciose confingentes ea de causa esse solutam et non uxorem predicti Ricardi de Lymbottesseye, ipsam filiam Radulphi de Bray, coram Johanne le Breton, tunc custode civitatis Londonie, et Johanne de Banquelle, tunc clerico ad recogniciones debitorum per formam Statuti pro mercatoribus editi accipiendas, in civitate illa deputatis nominarunt, et se cum predicto Ricardo de Lymbottesseye, tunc viro suo, qui terras vel tenementa aliqua tunc non habuit, coram predictis Johanne et Johanne obligari predicto Ricardo de Middelton' in sex centum libris, sibi certis terminis sub pena dicti Statuti solvendis, et recognicionem inde juxta formam ejusdem Statuti facere in decepcionem curie domini Edwardi quondam Regis Anglie, patris nostri, procurarunt : quodque predictus magister Ricardus de Middelton seisinam manerii de Suthborn, quod fuit de hereditate prefate Erneburge et de quo dicti Ricardus de Lymbottesseye et Erneburga post recognicionem predictam magistrum Thomam de Abberbury feoffarunt, abavum predicti Ricardi de Abberbury, idem manerium postmodum tenentis, per consideracionem curie nostre coram vobis per breve nostrum de judicio (virtute recognicionis predictae tanta veritate ut premittitur facte, ac si prefata Erneburga tempore confectionis ejusdem recognicionis virum non habuit, et se taliter secundum legem et consuetudinem regni nostri obligari potuisset, cum non potuit), est assecutus, tenendum nomine liberi tenementi quousque tam predictum debitum quam dampna sua, juxta formam Statuti

¹ C.P. 40/179.

15. PLEAS AT WESTMINSTER BEFORE RALPH OF HENGHAM AND HIS FELLOWS, JUSTICES OF THE LORD KING OF THE BENCH; OF THE TERM OF EASTER, IN THE FIRST YEAR OF THE REIGN OF KING EDWARD, SON OF KING EDWARD—HENGHAM. (1308.)

Yet of the Quindisme of Easter.

Oxfordshire.

The lord King dispatched his writ to his justices in these words :

Edward, by the Grace of God King of England, lord of Ireland and Duke of Aquitaine, to his justices of the Bench, greeting. Richard of Adderbury has suggested to us that Richard of [Limesy] and Master Richard of Middleton, fraudulently scheming to charge lands and tenements of Ernburga, then the wife of the aforesaid Richard of [Limesy] (into whatsoever hands by sale or otherwise they might have come) with great sums of money, did name the before-mentioned Ernburga (maliciously feigning for this purpose that she was unattached, and not the wife of the aforesaid Richard of [Limesy]) as the very daughter of Ralph of Bray before John the Breton, then keeper of the city of London, and John of Bakewell, then clerk, appointed in that city to take recognizances of debts according to the form of the Statute put forth for merchants, and did procure her (with the aforesaid Richard of [Limesy] then her husband, who had not then any lands or tenements) to be bound before the aforesaid John and John to the aforesaid Richard of Middleton in six hundred pounds to be paid to him at certain terms under the penalty of the said Statute; and to make recognition thereof according to the form of the same Statute, in deception of the court of the lord Edward, sometime King of England, our father : and that the aforesaid master Richard of Middleton did obtain seisin of the manor of Southbourne, which was of the inheritance of the before-mentioned Ernburga and whereof the said Richard of [Limesy] and Ernburga after the recognition aforesaid did infeoff master Thomas of Adderbury, the grandfather of the aforesaid Richard of Adderbury, who afterwards held the same manor, by award of our court before you by our writ of judgment (by virtue of the recognizance aforesaid made, as is premised, with such verity as though the before-mentioned Ernburga at the time of the making of the same recognizance had not a husband, and could thus, according to the law and custom of our realm, be bound, when she could not) to be held in the name of a free tenement until he had levied from the same as well the aforesaid debt as his damages, according

predicti, levavisset de eodem, in ipsius Ricardi de Abberbury dispendium non modicum et jacturam.

Et quia hujusmodi fraudi, malicie et decepcioni taliter in elusionem legis et consuetudinis regni nostri factis volumus remedio quo poterimus obviari, vobis mandamus quod vocatis coram vobis hiis quos fore videritis vocandos, et auditis rationibus suis coram vobis inde proponendis, examinato que diligenter negocio memorato, si vobis constare possit ita esse, tunc id quod minus rite atemptatum inveneritis in hac parte sine dilatione modo debito revocari faciatis et prout de jure videritis emendari. Teste me ipso, apud Wyndesore, xxvij die Marcii anno regni nostri primo.

Ideo preceptum est vicecomiti quod venire faciat hic in Octabis Sancte Trinitatis predictum magistrum Ricardum de Middleton' tam domino Regi quam predicto Ricardo de Abberbury de fraude et malicia supradictis, etc.

16. ¹ [PLACITA CORAM BARONIBUS DE SCACCARIO]. ROTULUS PLACITORUM DE ANNO REGIS EDWARDI, FILII [REGIS] EDWARDI PRIMO. (1308.)

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De Crastino Ascensionis.

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(m. 35d.)
London^t

Willelmus Osbern civis Londonie attachiatus fuit ad respondendum Johanni de Sancto Dionisio, valetto Johannis de Sandale,² nuper Cancellario de Scaccario, de placito quod reddat ei xxj libras sex solidos octo denarios quos ei debet ; et unde protulit quoddam scriptum, quod dicit esse factum ipsius Willelmi, quod hoc testatur, et quas ei injuste detinet, ad dampnum suum x marcarum, etc.

Et predictus Willelmus venit et habito visu predicti scripti, bene cognovit quod est factum suum. Et protulit quandam literam de acquietancia continentem xviii. l. ix. s. jd., quos dicit se solvisse de debito predicto. Et quoad residuum dicti debiti, videlicet lvijs. vijd., non potest dedicere quin prefato Johanni teneatur inde satisfacere.

Et predictus Johannes, habito visu dicte litere acquietancie, bene cognovit quod est factum suum et quod denarii in ea contenti allocari debent predicto Willelmo in debito supradicto.

Ideo consideratum est quod idem Johannes recuperet versus predictum Willelmum predictos lvijs. vijd. Et idem Willelmus pro

¹ E. 13/30. This title is on the cover of the roll in a contemporary hand.

² See Introduction and *Law Merchant*, Vol. II, pp. 63, 69, 72.

to the form of the Statute aforesaid, to the no small expense and loss of him, Richard of Adderbury.

And because we wish, as far as we may be able, to apply a remedy for such fraud, malice and deception thus done in elusion of the law and custom of our realm, we command you that, calling before you those whom it shall seem good to you to be called, and after hearing their reasonings put forward before you, and diligently examining the matter in question, if you are able to establish the facts, then you are to cause that which you shall find improperly attempted in this behalf to be revoked without delay and to be emended as shall seem good to you. Witness myself at Windsor the 27th day of March in the first year of our reign.

Therefore precept is made to the sheriff that he make the aforesaid master Richard of Middleton to come here in the Octaves of the Holy Trinity to [answer] as well our lord the King as the aforesaid Richard of Adderbury in respect of the fraud and malice abovesaid, etc.

16. [PLEAS BEFORE THE BARONS OF THE EXCHEQUER.] ROLL OF PLEAS OF THE FIRST YEAR OF KING EDWARD, SON OF KING EDWARD. (1308.)

Of the Morrow of the Ascension.

London.

William Osbern, citizen of London, was attached to answer John of S. Denis, yeoman of John of Sandal, late Chancellor of the Exchequer, in a plea that he render to him [John] 21*l.* six shillings and eight-pence which he owes to him ; and whereof he proffered a certain writing which he says is the deed of him, William, which witnesses this ; and which he unjustly detains, to his loss of 10 marcs, etc.

And the aforesaid William came, and having had a view of the aforesaid writing, he well acknowledged that it is his deed. And he proffered a certain letter of acquittance containing 18*l.* 9*s.* 1*d.*, which he says that he had paid of the debt aforesaid. And as to the residue of the said debt, namely 57*s.* 7*d.*, he cannot deny that he is bound to satisfy the before-mentioned John for that.

And the aforesaid John having had a view of the said letter of acquittance, well acknowledges that it is his deed and that the moneys therein contained ought to be allowed to the aforesaid William on the debt abovesaid.

Therefore it is awarded that the same John do recover against the aforesaid William the aforesaid 58*s.* 7*d.* And the same William for

injusta detencione sit in misericordia. Et idem Willelmus de predictis xviiijl. ixs. jd. sit quietus.

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Jo.

(m. 36d.) 17.¹

Adhuc de Crastino Ascensionis.

.

^aLondon'.

Reginaldus de Thunderle et Willelmus Cosin, Galfridus del Conduyt et Simon Bolet, nuper vicecomites Londonie, Nicholaus Pycot et Nigellus Drury, nunc vicecomites Londonie, attachiati fuerunt ad respondendum Willelmo Servat de placito transgressionis.

Et unde queritur quod, cum quidam Radulphus de Honilane, filius Elie de Honilane, per majorem Londonie captus et arrestatus fuisset in Londonia et in prisona de Neugate liberatus in custodia predictorum Reginaldi et Willelmi, in anno regni patris Regis nunc xxxiiij^{to}, quo tempore fuerunt vicecomites Londonie, pro lxl. in quibus idem Radulphus dicto Willelmo Servat tenetur per statutum de Acton Burnel pro debitis mercatorum editum, et postmodum in custodiam dictorum Galfridi et Simonis, Nicholai et Nigelli, pro tempore suo, in dicta prisona pro eodem debito remansurus deliberatus esset, predicti vicecomites, videlicet, quilibet eorum tempore suo, dictum Radulphum a prisona illa abire permiserunt. Ita quod idem Radulphus, auctoritate ballive ipsorum vicecomitum et absque warranto seu aliqua satisfactione dicto Willelmo facta de debito supradicto, a dicta prisona deliberatur, ad dampnum ipsius Willelmi Servat centum marcarum. Et inde producit sectam, etc.

Et predicti Reginaldus et alii veniunt et defendunt, etc. Et predicti Reginaldus et Willelmus dicunt pro se quod habuerunt in custodia sua in prisona predicta corpus predicti Radulphi pro debito supradicto. Et quod tempore quo amoti fuerunt de balliva sua ipsum liberaverunt prefatis Galfrido et Simoni, qui succedebant eis in eadem balliva, per indenturam inter eos factam. Et isdem Galfridus et Simon bene cognoscunt quod ipsum Radulphum in custodiam receperunt pro predicto debito, ex liberacione predictorum Reginaldi et Willelmi; set dicunt quod ipsum liberaverunt predictis Nicholao et Nigello, nunc vicecomitibus, per indenturam inter eos factam. Et iidem Nicholaus et Nigellus bene cognoscunt quod ipsum habuerunt³ in custodia sua pro debito predicto; set dicunt quod ipsum deliberaverunt et abire

¹ E. 13/30. See above, p. 22, n. 1.

² See Introduction, p. xliii.

³ 'quod . . . habuerunt' interlined in roll.

unjust detention is to be in mercy. And the same William is to be quit of the aforesaid 18*l.* 9*s.* 1*d.*

17.

Yet of the Morrow of the Ascension.

London.

Reginald of Thunderle and William Cosin, Geoffrey of the Conduit and Simon Bolet, late sheriffs of London, Nicholas Pycot and Nigel Drury, now sheriffs of London, were to answer William Servat in a plea of trespass.

And whereupon he [William] complains that whereas a certain Ralph of Honey Lane, son of Elias of Honey Lane, had been taken and arrested in London and delivered into the prison of Newgate in the custody of the aforesaid Reginald and William in the 34th year of the reign of the father of the now King, at which time they were sheriffs of London, for 60*l.* in which the same Ralph is held to the said William Servat by the Statute of Acton Burnel put forth for the debts of merchants, and afterwards he was delivered into the custody of the said Geoffrey and Simon, Nicholas and Nigel, for their time, to remain in the said prison for the same debt, the same sheriffs, namely each of them in his own time, permitted the said Ralph to go out of that prison. So that the same Ralph by the authority of the office of them the sheriffs and without warrant or any satisfaction being made to the said William in respect of the debt abovesaid is delivered from the same prison; to the loss of him, William Servat, one hundred marcs. And thereof he produces suit, etc.

And the aforesaid Reginald and the rest come and defend, etc. And the aforesaid Reginald and William say for themselves that they had in their custody in the prison aforesaid the body of the aforesaid Ralph for the debt abovesaid. And that at the time when they were removed from the bailiwick they delivered him to the before-mentioned Geoffrey and Simon, who succeeded them in the same bailiwick, by indenture made between them. And the same Geoffrey and Simon well acknowledge that they received him, Ralph, into custody for the debt aforesaid by delivery from the aforesaid Reginald, and William; but they say that they delivered him to the aforesaid Nicholas and Nigel, now sheriffs, by indenture made between them. And the same Nicholas and Nigel well acknowledge that they had him in their custody for the debt aforesaid; but they say that they delivered him and permitted him to depart from the prison aforesaid by virtue of

permiserunt a prisona predicta virtute brevis [Regis] de magno sigillo ¹ quod ostendebant coram Baronibus in hec verba :

Edwardus Dei gracia Rex Anglie, etc., vicecomitibus Londonie salutem. Cum secundum formam Statuti de recognicione debitorum pro mercatoribus editi, clerici pro debitis suis juxta [formam] Statuti illius per ipsos recognitis, capi non debeant vel imprisonari. Ac venerabilis pater Ricardus Londoniensis [episcopus] per suas patentes litteras nobis expresse directas sit testatum quod Radulphus filius Elye de Hunilane, Londonie, qui pro quibusdam debitis per ipsum juxta formam Statuti predicti diversis mercatoribus recogn[itis] ¹ et non solutis captus ² est, ut dicitur, et in prisona nostra de Neugate detentus, clericus est et pro clerico habitus, coronam deferens et habitum clericalem ; nolentes prefatum Radulphum contra formam Statuti pre[dicti] ¹ indebite pregravari, vobis precipimus quod ipsum Radulphum a prisona predicta (si ea occasione et non alia detinetur in eadem) sine dilatione deliberari facias, ipsum contra formam Statuti ejusdem non molestantes in [aliquo] ¹ seu gravantes. Teste me ipso apud Westmonasterium, x. die Novembris anno regni nostri primo.³

Propter quod dicunt quod nullam injuriam fecerunt, etc.

Et super hoc idem Willelmus Servat petit quod littera sua de predictis lx libris, per quam corpus dicti Radulphi captum fuit pro debito predicto, et que remanet penes dictos Reginaldum et Willelmum Cosyn, ei restituatur, ut per ipsam habere possit recuperare suum de dicto debito, etc. Ideo dictum est eisdem Reginaldo et Willelmo, qui bene concedunt quod dictam litteram penes se habent, quod illam dicto Willelmo Servat restituant, etc.

Postea in crastino Sancti Johannis Baptiste proximo sequente restituta fuit predicta littera de Statuto predicto predicto Willelmo Servat' in pleno Scaccario.

¹ Almost illegible in right-hand margin, badly rubbed.

² 'captis' in roll.

³ The King's writ has the following docquet in the margin of the roll : ' Breve pro clericis obligatis secundum Statutum de Acton Burnell.'

a writ under the [King's] great seal which they showed before the Barons in these words :

Edward by the Grace of God King of England, etc., to the sheriffs of London, greeting. Whereas according to the form of the Statute put forth concerning the recognition of debts for merchants, clerks ought not to be taken or imprisoned for their debts recognized by them according to the form of that Statute. And the venerable father Richard bishop of London by his letters patent directed to us expressly it is testified that Ralph, son of Elyas of Honey Lane of London, who for certain debts recognized by him to divers merchants according to the form of the Statute aforesaid and not paid is taken, as it is said, and detained in our prison of Newgate, is a clerk and held to be a clerk, wearing the tonsure and clerkly habit, we not willing that the before-mentioned Ralph should be unduly oppressed, contrary to the form of the Statute aforesaid, order you that you cause him, Ralph, to be delivered from the prison aforesaid without delay (if he is detained in the same on that occasion and not on another) not molesting him contrary to the form of the same statute or pressing him in any wise. Witness myself at Westminster, the 10th day of November in the first year of our reign.

And because of this they say that they did no injury, etc.

And hereupon William Servat seeks that his letter concerning the aforesaid 60*l.*, by which the body of the said Ralph was taken for the debt aforesaid and which remains with the said Reginald and William Cosyn may be restored to him, that by it he may be able to recover his own. Therefore it is said to the same Reginald and William, who well admit that they have the said letter in their possession, that they are to restore it to the said William Servat, etc.

Afterwards on the Morrow of S. John the Baptist next following, the aforesaid letter concerning the Statute aforesaid was restored to the aforesaid William Servat in the full Exchequer.

- (m. 28.) 18. ¹ PLACITA CORAM DOMINO REGE APUD WESTMONASTERIUM DE TERMINO PASCHE ANNO REGNI REGIS EDWARDI [FILII REGIS EDWARDI] TERCIO. (1310.)

.
Adhuc de Tribus Septimanis Pasche.
.

(m. 30.)
Rotelanda.

Preceptum fuit vicecomiti quod, quia Simon de Leyburna, Bartholomeus de Badlesmere, milites, Willelmus de Helughton' de Londonia et Petrus Fowon coram Senescallo et Marescallo Hospicii domini Edwardi, quondam Regis Anglie, patris Regis nunc, anno regni sui xxj recognoverunt² se debere Dominico de Podio, Orlandino de Podio, et Hugelino Segge, mercatoribus de Luca centum et octo libras quas eis solvisse debuerunt ad terminos dudum preteritos, sicut constat Regi per inspectionem rotulorum predictorum Senescalli et Marescalli de anno supradicto, et eas eis nondum, etc., appreciari et vendi faceret illa bona et catalla que cepit in manum Regis de bonis et catallis Bartholomei de Badlesmere ad valenciam lxs. Et denarii inde, etc., haberet coram Rege ad hunc diem, scilicet a die Pasche in unum mensem, ad reddendum, etc., in parte solucionis xxvij librarum ipsum Bartholomeum pro porcione sua de debito contingente. Et residuum predictarum xxvij librarum de terris et catallis predicti Bartholomei in balliva sua fieri faceret, et illud haberet coram Rege ad reddendum, etc., in perpaccacionem, etc.

Et vicecomes retornavit quod predicta bona et catalla ad valenciam lxs., prius per ipsum in manum Regis de bonis et catallis predicti Bartholomei capta, adhuc remanent in manum suam pro defectu elaptorum. Et quod cepit ulterius in manum domini Regis de bonis et catallis predicti Bartholomei ad valenciam sexaginta tresdecim solidorum et quatuor denariorum. Et denarios inde provenientes habeat coram Rege in crastino Sancti Johannis Baptiste ubicumque, etc., ad reddendum, etc., in parte solucionis, etc. Et residuum predictarum xxvij librarum de terris et catallis predicti Bartholomei, etc., fieri faciat et illud habeat coram Rege ad prefatum terminum ad reddendum, etc., in perpaccacionem, etc.

Salop'.

Et preceptum fuit vicecomiti Salopesire quod de terris et tenementis que fuerunt Simonis de Leyburn' in balliva sua fieri faceret viginti et septem libras, ipsum Bartholomeum pro porcione sua, etc., et illas haberet coram Rege ad prefatum terminum ad reddendum, etc. Et

¹ K.B. 27/200.

² 'recognovit' in roll.

18. PLEAS BEFORE THE LORD KING AT WESTMINSTER OF THE TERM OF EASTER IN THE THIRD YEAR OF THE REIGN OF KING EDWARD [SON OF KING EDWARD]. (1310.)

Yet of the Three Weeks of Easter.

Rutland.

Precept was made to the sheriff that because Simon of Leybourne, Bartholomew of Badlesmere, knights, William of Haloughton of London and Peter Fowon before the Steward and Marshal of the Household of the lord King Edward, sometime King of England, father of the now King, in the 21st year of his reign, recognized that they owed to Dominic of Padua, Orlandin of Padua and Hugelin Segge, merchants of Lucca, one hundred and eight pounds which they ought to have paid to them at terms long past, as it appears to the King by inspection of the rolls of the aforesaid Steward and Marshal of the year abovesaid, and those [moneys] they have not yet, etc., he should cause those goods and chattels which he took into the King's hand, of the goods and chattels of Bartholomew of Badlesmere, to the value of 60s., to be appraised and sold, and the moneys thence, etc., he is to have before the King at this day, namely in one month of Easter Day, to render, etc., in part payment of 27*l.* touching him, Bartholomew, for his proportion of the debt. And the residue of the aforesaid 27*l.* he should cause to be made up from the lands and chattels of the aforesaid Bartholomew in his bailiwick, and he should have that before the King to render, etc., in full payment, etc.

And the sheriff returned that the aforesaid goods and chattels to the value of 60s., previously taken by him into the King's hand from the goods and chattels of the aforesaid Bartholomew, still remain in his hand for lack of buyers. And that he took further into the King's hand goods and chattels of the aforesaid Bartholomew to the value of seventy-three shillings and fourpence. And he is to have the moneys accruing thence before the King on the Morrow of S. John the Baptist, wheresoever, etc., to render, etc., in part payment, etc. And the residue of the aforesaid 27*l.* of the lands and chattels of the aforesaid Bartholomew, etc., he is to cause to be made up and have that before the King at the before-mentioned term to render, etc., in full payment, etc.

Shropshire.

And precept was made to the sheriff of Shropshire that of the lands and tenements which were Simon of Leybourne's in his bailiwick he should cause to be made twenty and seven pounds, touching him, Bartholomew, as to his proportion, etc., and that he should have the same before the King at the before-mentioned term to render, etc. And the sheriff returned

vicecomes retornavit quod predictus Simon nullas habuit terras neque tenementa in balliva sua nisi ad terminum vite, et quod ipse Simon mortuus est. Et testatum est in Curia, etc., quod idem Simon habuit terras et tenementa in feodo in balliva predicta ad sufficientem in villa que vocatur Berewyk' die recognicionis.¹ Ideo, sicut prius, preceptum est vicecomiti quod de terris et tenementis que fuerunt predicti Simonis in balliva sua fieri faciat xxvij libras et illas habeat coram Rege ad prefatum terminum, etc., ad reddendum, etc. Et sciat, etc.

London'.

Et sicut pluries preceptum fuit vicecomitibus Londonie quod de terris et catallis Willelmi de Helughton' in balliva sua fieri faceret ² viginti et septem libras ipsum pro porcione sua, etc. Et illas haberet coram Rege ad prefatum terminum ad reddendum, etc., in perpacacionem, etc. Et vicecomes nichil inde fecit nec breve, etc. Ideo sicut pluries preceptum est vicecomiti quod de terris et catallis predicti Willelmi in balliva sua fieri faceret viginti et septem libras et illas habeat coram Rege ad prefatum terminum scilicet in crastino Sancti Johannis, ad reddendum, etc., occasione predicta.

Nottingham'.

Et sicut pluries preceptum fuit vicecomiti Not'³ quod de terris et catallis Petri Fowon in balliva sua fieri faceret viginti et septem libras ipsum pro porcione sua, etc., et illas haberet coram Rege ad prefatum terminum ad reddendum, etc. Et vicecomes nichil inde fecit nec breve, etc. Ideo sicut pluries preceptum est vicecomiti quod de terris et catallis predicti Petri in ballia sua fieri faceret predictas viginti et septem libras et illas habeat coram Rege ad prefatum terminum, ad reddendum, etc.

19. ⁴ PLACITA APUD WESTMONASTERIUM CORAM WILLELMO DE BEREฟอร์ด' ET SOCIIS SUIS, JUSTICIARIIS ANNO REGIS EDWARDI FILII REGIS EDWARDI TERCIO, INCIPIENTE QUARTO. (1310.)

.

De Octabis Sancte Trinitatis : Adhuc de Octabis Sancti Johannis Baptiste—Bereford.

.

(m. 123.)
Essex'.

Johannes de Bassingburn et Fromundus de Ashrugge in misericordia pro pluribus defaultis, etc. Idem Johannes et Fromundus attachiati

¹ 'in villa . . . recognicionis' interlined in MS.

² From this point the distinction between singular and plural is several times ignored.

³ *Rectius* 'de Notingeham'; but possibly here 'Notingehamie.'

⁴ C.P. 40/182. For previous references to, and further remarks on, this remarkable case, see Selden Society, *Year Books*, Vol. III, p. 192 sq. and also the Appendix (pp. 97-105) and Introduction to this volume (p. xlviii).

that the aforesaid Simon had no lands or tenements in his bailiwick save for term of life, and that he, Simon, is dead. And it is testified in Court, etc., that the same Simon had on the day of the recognition a sufficiency of lands and tenements in fee in the bailiwick aforesaid in the township which is called Barwick. Therefore, as before, precept is made to the sheriff that of the lands and tenements which were the aforesaid Simon's in his bailiwick he do cause to be made up 27*l.* and have them before the King at the before-mentioned term, etc., to render, etc. And he is to know, etc.

London.

And, as oft-times, precept was made to the sheriffs of London that of the lands and chattels of William of Haloughton in their bailiwick they should cause to be made up twenty and seven pounds [touching] him [William] for his proportion, etc. And they should have them before the King at the before-mentioned term, to render, etc., in full payment, etc. And the sheriff did nothing therein nor [sent] the writ, etc. Therefore, as oft-times, precept is made to the sheriffs that of the land and chattels of the aforesaid William in his bailiwick they should cause to be made up twenty and seven pounds and have them before [*etc.*], namely on the Morrow of S. John to render, etc., on the occasion aforesaid.

Nottingham-
shire.

And, as oft-times, precept was made to the sheriff of Nottingham that of the lands and chattels of Peter Fowon in his bailiwick he should cause to be made up twenty and seven pounds [touching] him [Peter] for his proportion, etc. And the sheriff did nothing therein nor sent the writ, etc. Therefore, as oft-times, precept is made to the sheriff that of the lands and chattels of the aforesaid Peter in his bailiwick he should cause to be made the aforesaid twenty-seven pounds and have them before the King at the before-mentioned term to render, etc.

19. PLEAS AT WESTMINSTER BEFORE WILLIAM DE BEREฟอร์ด AND HIS FELLOW JUSTICES, IN THE THIRD AND BEGINNING OF THE FOURTH YEAR OF KING EDWARD, SON OF KING EDWARD. (1310.)

.
Of the Octaves of the Holy Trinity : yet of the Octaves of S. John
the Baptist—Bereford.
.

Essex.

John of Bassingbourn and Fromund of Ashridge in mercy for many defaults, etc. The same John and Fromund were attached to answer to William of Goldington on a plea wherefore they, together with

fuerunt ad respondendum Willelmo de Goldington' de placito quare ipsi, simul cum Adam de Aungre, Nicholao de Eton', Willelmo le Botiller et Johanne fratre ejus, conspiracione inter eos apud Chelmeresford' prehabita, maneria de Terlinges et Parva Badewe prefato Johanni de Bassingburne de dono Ricardi le Gras fraudulenter adquirere machinantes, Radulphum le Gras quandam recognicionem mille et trescentarum librarum prefato Ricardo, anno regni domini Edwardi Regis patris domini Regis nunc vicesimo quinto,¹ apud Wyntoniam coram Adam de Norhamptona et Johanne de Aune, ad recogniciones debitorum juxta formam Statuti pro mercatoribus editi tunc ibidem accipiendas deputatis, fecisse, ut sic maneria illa, in manu ipsius Radulphi tunc existencia, in debito predicto fuissent obligata, falso confinxerunt; et diu postmodum, virtute recognicionis, ac si rite facta fuisset cum non esset, breve Regis coram prefatis justiciariis Regis in crastino Purificacionis Beate Marie proximo preterito retornatum, de corpore ipsius Radulphi, dudum defuncti, capiendo et in prisiona Regis detinendo quousque prefato Ricardo de debito predicto foret plenarie satisfactum, vicecomiti Regis Essexie, nomine ipsius Ricardi id penitus ignorantis, impetrarunt et maneria predicta, que ad manus ipsius Willelmi de Goldington postmodum devenerunt, predicto Ricardo per formam Statuti predicti, quousque debitum predictum inde levasset tenenda, per consideracionem curie nostre predictae adjudicari et prefatum Willelmum de Goldington', quousque processus, tanquam erroneus et super errore fundatus, ad sectam ipsius Willelmi in eadem curia coram prefatis justiciariis adnullatus fuit, detineri, ipsum que Willelmum ea occasione laboribus et expensis multipliciter fatigari maliciose procurarunt; et alia enormia ei intulerunt, ad dampnum ipsius Willelmi mille marcarum, et contra formam Ordinacionis de communi consilio regni Regis in hujusmodi casu facte, etc.²

³ Et super hoc veniunt tam predictus Willelmus quam predictus Johannes et Fromundus; et iidem Johannes et Fromundus petunt auditum brevis; quo audito dicunt quòd curia hic tenet placitum super predicto brevi sine waranto, etc. Quia dicunt ⁴ quod breve illud non est retornabile hic, eo quod in brevi deficit ista clausula. 'Et habeas ibi nomina plegiorum et hoc breve': Unde petunt ⁵ judicium, etc.

Et quia, inspecto brevi predicto, compertum est quod predicta clausula deficit, etc., predicti Johannes et Fromundus eant inde sine die, etc.

¹ 'vicesimo quinto' interlineated in roll.

² The version given in the King's Bench record summarized below (p. 97 sq.) differs considerably in details. Cf. the Year Books cited, *ibid.* n. 3.

³ The last paragraph is in another hand.

⁴ 'dicit' in roll.

⁵ 'petit' in roll.

Adam of Aungre, Nicholas of Eton, William the Butler and John his brother, by conspiracy preconcerted at Chelmsford, scheming to acquire fraudulently the manors of Terlings and Little Badow for the before-mentioned John of Bassingbourn by the grant of Richard le Gras, falsely pretended that Ralph le Gras had made a certain recognizance of one thousand and three hundred pounds to the before-mentioned Richard in the twenty-fifth year of the reign of the lord Edward the King, father of the now lord King, at Winchester before Adam of Northampton and John de Aune then deputed to take there recognizances of debts according to the form of the Statute put forth for merchants, that so those manors, then being in the hand of him, Ralph, would have been under obligation for the aforesaid debt ; and long afterwards, by virtue of the recognizance (as though it had been rightly made, when it was not) they obtained the King's writ to the sheriff of Essex, in the name of him, Richard, wholly ignorant of it, returned before the King's justices on the Morrow of the Purification of the Blessed Mary last past, for taking the body of him, Ralph, long since dead, and detaining him until satisfaction should be fully given to the before-mentioned Richard in respect of the debt aforesaid ; and they maliciously procured the aforesaid manors (which afterwards came to the hands of William of Goldington) to be adjudged by the award of our court aforesaid to the aforesaid Richard, to be held by the form of the Statute aforesaid until he had levied the debt aforesaid therefrom ; and the before-mentioned William of Goldington (until the process at the suit of him, William, in the same court, was annulled before the before-mentioned justices as erroneous and founded on error) to be detained and him, William, by occasion of that to be many times distressed by labours and expenses ; and other enormities they inflicted on him to the loss of him, William, a thousand mares and against the form of the Ordinance of the common council of the King's realm in such like case made, etc.

And hereupon come as well the aforesaid William as the aforesaid John and Fromund ; and the same John and Fromund crave a hearing of the writ ; and after hearing this they say that the court here holds a plea upon the aforesaid writ without warrant, etc. Because they say that that writ is not returnable here for that in the writ this clause is wanting, ' And have here the names of the pledges and this writ.' Whereupon they seek judgment, etc.

And because after inspecting the writ aforesaid it is found that the aforesaid clause is wanting, etc., the aforesaid John and Fromund are to go thereof without day, etc.

20. ¹ PLACITA CORAM DOMINO REGI APUD WESTMONASTERIUM DE
TERMINO SANCTI HILLARII ANNO REGNI REGIS EDWARDI, FILII
REGIS EDWARDI SEXTO. (1313.)

Adhuc de Quindena Sancti Hillarii.

(m. 18.)
[London.]

Edmundus Lambyn de London optulit se iiij^{to} die versus Simonem de Mereworth et Ricardum de Welleford ² vicecomites Londonie de placito quare cum Willelmus de Covele de London' coram Johanne de Gysorcio, majore civitatis predictae et Johanne le Blund, ad recognitiones debitorum apud Londoniam accipiendas deputatis, juxta formam Statuti pro mercatoribus editi, recognovisset se debere prefato Edmundo quingentas libras ei ad certum terminum, diu est preteritum, solvendas: ac predictus major pro eo quod prefatus Willelmus terminum solutionis dicte pecunie non observavit, ipsum per prefatos Simonem et Ricardum vicecomites dicte civitatis capi fecisset, in prisiona juxta formam Statuti custodiendum, predicti vicecomites postquam prefatum Willelmum ³ occasione predicta ceperant, a prisiona qua detinebatur, prefato Edmundo de predicto debito minime satisfacto, abire permisissent, ad grave dampnum ipsius Edmundi et contra formam Statuti predicti, ut dicitur.

Et ipsi non veniunt.⁴ Et preceptum fuit coronatori, sicut alias, quod distringat eos, etc. Et coronator retornat quod Johannes de Etone, Gilbertus le Toundour, David clericus et Rogerus le Barber manuceperunt predictum Simonem de Mereworth', et sunt exitus dimidia marca. Ideo ipsi in misericordia. Et quod Ricardus de Welleford mortuus est. Ideo preceptum est coronatori, sicut pluries, quod distringat predictum Simonem de Mereworth per omnes terras, etc.; et quod de exitibus, etc., quod sit coram Rege a die Pasche in tres septimanas, ubicumque, etc. Et sciat coronator, etc.

Et super hoc venit Willelmus de Burgo attornatus majoris et communitatis civitatis Londonie et calumpniat libertatem, etc.

¹ K.B. 27/211.

² 'obiit' interlined.

³ 'ceperunt' duplicated here.

⁴ 'Misericordia ex [. . .] dimidia marca' in margin (struck through).

20. PLEAS BEFORE THE LORD KING AT WESTMINSTER OF THE TERM OF S. HILARY IN THE SIXTH YEAR OF THE REIGN OF KING EDWARD, SON OF KING EDWARD. (1313.)

Yet of the Quindisme of S. Hilary.

[London.]

Edmund Lambyn of London [put] himself on the 4th day against Simon Mereworth and Richard of Welford, sheriffs of London, on a plea wherefore (when William of Cowley of London before John of Gisors, mayor of the city aforesaid, and John le Blund, deputed to accept recognitions of debts at London, according to the form of the Statute put forth for merchants, had recognized that he owed to the before-mentioned Edmund five hundred pounds to be paid to him at a certain term long past ; and the aforesaid mayor, for that the aforesaid William did not observe the term of payment of the said money, had caused him to be taken by the before-mentioned Simon and Richard, sheriffs of the said city, for custody in prison, according to the form of the Statute) the aforesaid sheriffs after they had taken the before-mentioned William on the occasion aforesaid, permitted him to depart from the prison in which he was detained, without the before-mentioned Edmund being in the least degree satisfied in respect of the aforesaid debt ; to the grave damage of him, Edmund, and against the form of the Statute aforesaid, as it is said.

And they do not come. And precept was made to the coroner, as at another time, that he distrain them, etc. And the coroner returns that John of Eton, Gilbert le Tondour, David the clerk and Roger the Barber mainprized the aforesaid Simon de Mereworth and the issues are half a marc. Therefore they are in mercy. And that Richard of Welford is dead. Therefore precept is made to the coroner, as oft-times, that he distrain the aforesaid Simon of Mereworth by all his lands, etc. ; and that as to the issues, etc., that he be before the King in three weeks of Easter Day, wheresoever, etc. And the coroner is to know, etc.

And hereupon comes William de Burgo, the attorney of the Mayor and community of the city of London, and claims the liberty, etc.

21. ¹ PLACITA CORAM DOMINO REGE APUD WESTMONASTERIUM DE
TERMINO PASCHE, ANNO REGNI REGIS EDWARDI FILII REGIS
EDWARDI SEXTO. (1313.)

Adhuc de Tribus Septimanis Pasche.

(m. 57)
Derb'.

Preceptum fuit vicecomiti quod quia Hugo Ponger de Ryseley et Rogerus de Wodehalle coram Johanne Kitte, nuper majore Noutingham, et Willelmo Buckes, clerico Regis, ad recognitiones debitorum apud Nottingham accipiendas deputatis recognoverunt se, et unum quemque eorum in solidum, debere Gervasio de Clyfton militi sexaginta et decem marcas, unde ei solvisse debuerunt ad festum Natalis Domini, anno regni Regis nunc quarto unam medietatem; et ad festum Pentecostes proximo sequens aliam medietatem; et eas ei nondum solverunt, ut dicitur,² sicut pluries quod omnia bona et catalla ipsorum Hugonis et Rogeri et eciam omnes terras et tenementa que fuerunt eorundem Hugonis et Rogeri, videlicet vj die Augusti anno regni Regis nunc supradicto, ad quorumcumque manus, etc., nisi terre et tenementa illa ad heredes ipsorum Hugonis et Rogeri infra etatem existentes devenerint, per extentam, etc., deliberare faceret predicto Gervasio vel suo certo assignato, tenenda nomine liberi tenementi; et etiam corpora predictorum Hugonis et Rogeri, si laici essent, etc., caperet et salvo, etc., secundum formam Statuti³ apud Acton Burnel et Westmonasterium de hujusmodi recognicionibus, etc., quousque predicto Gervasio de predicto debito plenarie esset satisfactum; simul cum dampnis, etc. Et quid etc. scire faceret Regi hic ad hunc diem, scilicet a die Pasche in unum mense ubicumque, etc.

Et vicecomes retornavit quod preceperat Johanni de Dryffel' ballivo domini Regis de feodo in comitatu Nottingham' et Derb' ad venire faciendum coram eo vel locum suum tenente apud Rysley, die Lune in crastino Clausi Pasche ultimo preterito tot et tales probos et legales homines de visneto de Rysley ad extendendum bona et catalla, terras et tenementa predictorum Hugonis et Rogeri secundum tenorem brevis, etc.

Quo die Johannes de Rakedale subballivus predicti Johannis de Dryffeld, etc., tulit panellum hominum summonitorum ibidem et illum

¹ K.B. 27/212.

² i.e. 'Preceptum fuit' (as above). The 'quod' is redundant here.

³ The reference is to the 'Statutes' of 1283 and 1285, as to which see above, p. 12, n. 6.

21. PLEAS BEFORE THE LORD KING AT WESTMINSTER OF THE TERM OF EASTER IN THE SIXTH YEAR OF THE REIGN OF KING EDWARD, SON OF KING EDWARD. (1313.)

Yet of the Three Weeks of Easter.

Derbyshire.

Precept was made to the sheriff that (because Hugh Ponger of Risley and Roger of Woodhall, before John Kitte, late mayor of Nottingham, and William Bicke, King's clerk, deputed to accept recognitions of debts at Nottingham, recognized they, and each one of them with solidarity, owe to Gervase de Clyfton, knight, sixty and ten marcs, whereof they ought to have paid to him at the Feast of the Nativity of Our Lord, in the fourth year of the reign of the now King, one-half; and at the Feast of Pentecost next following another half; and he has not yet paid them to him [Gervase], as [he says]), as oft-times, that¹ by extent, etc. he should cause to be delivered to the aforesaid Gervase or his [sure] attorney all the goods and chattels of them, Hugh and Roger, and also all the lands and tenements which were the same Hugh's and Roger's, namely on the 6th day of August in the abovesaid year of the reign of the now king, to whosoever's hands, etc., unless those lands and tenements shall have come to heirs of them, Hugh and Roger, being within age, to be held in the name of a free tenement; and also that he should take the bodies of the aforesaid Hugh and Roger, if they were laymen, etc., and safely, etc., according to the form of the Statute[s] put forth at Acton Burnell and Westminster concerning recognizances of this kind, etc., until satisfaction should be fully given to the aforesaid Gervase in respect of the aforesaid debt, together with damages, etc. And that he should make the King to know here at this day, namely in one month from Easter Day, wheresoever, etc.

And the sheriff returned that he had ordered John of Driffeld, bailiff of the lord King of the fee in the county of Nottingham and Derby, to cause to come before him or his lieutenant at Risley, on Monday in the Close of Easter last past so many and such good and lawful men of the neighbourhood of Risley to extend the goods and chattels, lands and tenements of the aforesaid Hugh and Roger according to the tenor of the writ, etc.

On which day John of Ragdale, under-bailiff of the aforesaid John of Driffeld, etc., brought up the panel of men summoned there and

¹ See footnote 2 opposite.

liberasse voluit. Et venerunt ibidem ¹ homines ignoti, vi et armis, et abstulerunt panellum de dicto Johanne subbalivo, et ipsum verberaverunt, vulneraverunt et male tractaverunt ante adventum suum ibidem, per quod ulteriorem execucionem ante diem in brevi contentum facere non potuit, etc., et quod corpora predictorum Hugonis et Rogeri non sunt inventa, etc. Ideo sicut alias preceptum est vicecomiti quod omnia bona et catalla predictorum Hugonis et Rogeri et etiam omnes terras et tenementa que fuerunt eorundem Hugonis et Rogeri die predicto, etc., per extantum, etc., faciat predicto Gervasio, etc., tenenda in forma predicta, etc.; et quod capiat corpora predictorum Hugonis et Rogeri si, etc. Et quid, etc. scire faciat Regi in crastino Sancti Johannis Baptiste, ubicumque, etc. Et quod per sacramentum proborum et legalium hominum de balliva, etc., diligenter inquireat de nominibus predictorum transgressorum. Et si quos, etc., tunc eos attachiare per eorum corpora quod sint coram Rege ad preparatum terminum ad respondendum tam domino Regi quam predicto Gervasio de contemptu et transgressione predictis, etc.

22.

² *Adhuc de Crastino Ascensionis.*

(m. 89d.)
Derby.

Preceptum fuit vicecomiti quod quia Willelmus filius Simonis de Derby, mercator, coram Johanne le Palmere, nuper majore Notyngham', et Willelmo Bak', clerico, ad recognitiones debitorum apud Notyngham' accipiendas deputatis, recognovit se debere Willelmo de Aleby mercatori et communitati Derb' decem libras duodecim solidos et sex denarios quos eis solvisse debuit ad festum Sancti Michaelis, anno regni nostri ³ sexto, et eos eis nondum solvit, ut dicitur; corpus predicti Willelmi filii Simonis, si laicus esset, caperet et salvo in prisiona Regis custodiret donec eidem Willelmo et communitati de debito predicto plene satisfaceret. Et qualiter preceptum Regis esset executus nobis scire faceret in Octabis Sancti Hillarii ultimo preterito, ubicumque, etc.

Ad quem diem vicecomes retornavit quod preceperat ballivis libertatis ville Derbeie qui plenum returnum brevis habent, qui sic respondent:

Attachiavimus Willelmum filium Simonis de Derby, mercatorem, secundum tenorem istius brevis; et cum idem Willelmus exstitit sub

¹ i.e. at the bailiff's court at Risley.

² K.B. 27/212.

³ Sic for 'Regis.'

wished to deliver it. And there came there men unknown, with force and arms, and took away the panel from the said John the under-bailiff, and beat him and wounded and ill-treated him before his coming there, whereby he could not make further execution before the day mentioned in the writ, etc., and that the bodies of the aforesaid Hugh and Roger are not found, etc. Therefore, as at another time, precept is made to the sheriff that he cause all the goods and chattels of the aforesaid Hugh and Roger and also all the lands and tenements which were the same Hugh's and Roger's on the day aforesaid, etc., by extent, etc. [to be delivered] to the aforesaid Gervase, etc., to be held in the form aforesaid, etc. And that he take the bodies of the aforesaid Hugh and Roger if, etc. And what, etc., he is to make the King know on the Morrow of S. John the Baptist, wheresoever, etc. And that by the oath of good and lawful men of the bailiwick, etc., he is to inquire diligently the names of the aforesaid transgressors. And if any, etc., then to attach them by their bodies that they be before the King at a term prepared, to answer as well to the lord King as to the aforesaid Gervase concerning the contempt and trespass aforesaid, etc.

22.

Yet of the Morrow of the Ascension.

Derby.

Precept was made to the sheriff that (because William, son of Simon of Derby, merchant, before John le Palmere, late mayor of Nottingham, and William Bick, clerk, deputed to accept recognitions of debts at Nottingham, acknowledged that he owes to William de Aleby, merchant, and to the community of Derby ten pounds, twelve shillings and sixpence, which he should have paid to them at the Feast of S. Michael in the sixth year of our reign and has not paid them, as it is said) he should take the body of the aforesaid William, son of Simon, if he be a layman, and keep him safely in the King's prison until he should have fully satisfied the same William and the community in respect of the debt aforesaid. And in what manner he should have executed the King's precept, he should make us to know in the Octaves of S. Hilary last past, wheresoever, etc.

At which day the sheriff returned that he had made precept to the bailiffs of the liberty of the town of Derby who have the full return of the writ, who answer thus :

We have attached William, son of Simon of Derby, merchant, according to the tenor of that writ ; and when the same William was

attachiamento nostro, venerunt Johannes de Meryng, Thomas filius Thome de Thurlestone et Simon filius Simonis de Notyngham et Simon le Despenser, vi et armis, et dictum Willelmum de attachiamento nostro rescusserunt, et contra pacem domini Regis abduxerunt; per quod preceptum fuit vicecomiti quod attachiaret prefatos Johannem de Meryng et alios quod essent coram Rege a die Pasche in xv. dies ad respondendum domino Rege de contemptu et transgressione predictis; et prefatis Willelmo et communitati de dampnis que sustinuerunt.

Ad quem diem predicti Johannes de Meryng et Simon filius Simonis de Notyngham' venerunt. Et super hoc Johannes de Norton, qui sequitur pro Rege, dicit quod predicti Johannes de Meryng et Simon, simul cum aliis, die Lune proxima post festum Natalis Domini, anno regni Regis Edwardi nunc sexto, in villa de Derby, prefatum Willelmum filium Simonis per ballivos predictos sic attachiatum vi et armis et contra pacem domini Regis resc[usserunt] et abduxerunt, in contemptum domini Regis centum librarum et dampnum ipsorum Willelmi de Aleby et communitatis¹ viginti librarum. Et hoc offert verificare per patriam.

Et prefatus Johannes de Meryng et Simon veniunt et defendunt totum, et quicquid est in contemptum domini Regis. Et dicunt quod nullum recussum prefatis ballivis nec aliquid contra pacem domini Regis fecerunt, sicut eis imponitur. Et de hoc ponunt se super patriam; et predictus Johannes, qui sequitur pro Rege, similiter. Ideo veniat inde jurata, coram Rege, in Octabis Sancti Johannis Baptiste, ubicumque, etc. Et qui nec, etc. Ad recognoscendum, etc.

Ad quem diem venerunt Thomas filius Thome de Thurleston' et Simon le Despenser et placitaverunt in forma predicta, etc.

Idem Johannes qui sequitur pro Rege optulit se iiij^{to} die versus Thomam filium Thome et Simon le Despenser de placito predicto. Et preceptum fuit vicecomiti quod attachiaret predictum Thomam et Simonem. Et vicecomes returnavit quod non sunt inventi, etc. Ideo preceptum est vicecomiti quod capiat predictos, etc.; ita quod habeat corpora predictorum coram Rege ad prefatum terminum. Et unde, etc.

¹ 'communitati' in roll.

under our attachment, there came John of Mering, Thomas, son of Thomas of Thurlestone, and Simon, son of Simon of Nottingham, and Simon le Despenser with force and arms and rescued the said William from our attachment, and took him away, against the peace of the lord King. Wherefore precept was made to the sheriff that he should attach the aforesaid John of Mering and the others that they should be before the King in 15 days of Easter Day to answer to the King respecting the contempt and trespass aforesaid; and to the before-mentioned William and the community in respect of the damages which they have sustained.

At which day the aforesaid John of Mering and Simon, son of Simon of Nottingham, came. And hereupon John of Norton who follows for the King says that the aforesaid John of Mering and Simon, together with the others, on Monday next after the Feast of the Nativity of Our Lord, in the sixth year of the now King Edward, in the town of Derby rescued and abducted the before-mentioned William, son of Simon, so attached by the bailiffs aforesaid, with force and arms against the peace of the lord King, in contempt of the lord King, one hundred pounds and in loss of them, William of Aleby and the community, twenty pounds. And he offers to aver this by the country.

And the before-mentioned John of Mering and Simon come and defend all and whatever is in contempt of the lord King. And they say that they made no rescue from the before-mentioned bailiffs nor anything against the peace of the lord King, as it is imputed to them. And of this they put themselves upon the country; and the aforesaid John, who sues for the King, likewise. Therefore let a jury come thereof before the King in the Octaves of S. John the Baptist, where-soever, etc. And who neither, etc. To recognize, etc.

At which day came Thomas, son of Thomas of Thurlestone, and Simon le Despenser and pleaded in the form aforesaid, etc.

The same John who sues for the King [offered] himself on the 4th day against Thomas, son of Thomas, and Simon le Despenser concerning the plea aforesaid. And precept was made to the sheriff that he should attach the aforesaid Thomas and Simon. And the sheriff returned that they are not found, etc. Therefore precept is made to the sheriff that he take the aforesaid, etc.; so that he have the bodies of the aforesaid. And whereupon, etc.

23. ¹ PLACITA CORAM DOMINO REGE APUD WESTMONASTERIUM DE
TERMINO SANCTI MICHAELIS ANNO REGNI REGIS EDWARDI
FILII REGIS EDWARDI OCTAVO. (1314.)

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Adhuc de Octabis Sancti Michaelis.

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(m. 20.)
Bedeford'.

Preceptum fuit vicecomiti.

Quia Willelmus de Kymbauton' de comitatu Huntingdon' coram Johanne le Blund, nuper majore civitatis nostre Londonie, et Henrico de Leycestria, tunc clerico, ad recogniciones debitorum apud Londoniam accipiendas deputatis, recognovit se debere Henrico de Segrave, milite, centum libras quas ei solvisse debuit ad festum Sancti Michaelis anno regni domini Edwardi, quondam Regis Anglie, patris, tricesimo secundo, et eas ² ei nondum solvit, etc., eidem vicecomiti dominus Rex precepit, sicut alias, etc., quod omnia bona et catalla ipsius Willelmi, et eciam omnes terras et tenementa que fuerunt predicti Willelmi die quo predictum debitum recognovit, videlicet, die Mercurii proxima ante festum Sancti Georgii anno regni ejusdem patris Regis supradicto, ad quorumcumque manus in balliva sua devenerint, per feoffamentum vel alio modo, nisi terre et tenementa illa ad heredem ipsius Willelmi infra etatem existentem devenerunt, per extantam et rationabile pretium deliberari faciat predicto Henrico vel suo certo attornato, tenenda nomine liberi tenementi. Et eciam corpus Willelmi, si laicus esset, in ballia sua ³ predicta inveniri contigeret, caperet et salvo in prisona [Regis] ⁴ custodiri faceret, secundum formam Statuti apud Acton Burnel et Westmonasterium de hujusmodi recognicionibus editi, quousque predicto Henrico de predicto debito plenarie fuisset satisfactum, etc., simul cum dampnis, etc. Et quid inde, etc. scire faceret hic, etc., scilicet a die Sancti Michaelis in xv. dies, ubicumque, etc.

Ad quem diem vicecomes retornavit quod extendi fecit omnes terras et tenementa que Willelmus de Kynebauton' habuit in balliva sua anno regni Regis Edwardi patris Regis nunc xxxij^o, sicut precipitur infra ⁵ et sicut plenius continetur in extenta coram Rege hic missa. Et paratus fuit liberasse Henrico de Segrave, militi, omnia terras et tenementa que fuerunt dicti Willelmi, tenenda prout breve requirit. Et Robertus de Langedon' cum aliis ignotis vi et armis Johanni Chaun ballivo domini

¹ K.B. 27/218. This reco is somewhat careless and ungrammatical in its composition.

² 'ca' in roll.

⁴ 'prisona nostra' in roll.

³ 'tua' in roll.

⁵ i.e. 'above,' as inrolled.

23. PLEAS BEFORE THE LORD KING AT WESTMINSTER OF THE TERM OF S. MICHAEL IN THE EIGHTH YEAR OF THE REIGN OF KING EDWARD, SON OF KING EDWARD. (1314.)

Yet of the Octaves of S. Michael.

Precept was made to the sheriff.

Because William of Kimbolton of the county of Huntingdon before John le Blund, late mayor of our city of London and Henry of Leicester, then clerk, for accepting recognitions of debts at London, recognized that he owed to Henry de Segrave, knight, one hundred pounds which he ought to have paid to him at the Feast of S. Michael, in the thirty-second year of the reign of the lord Edward, sometime King of England, the father, and has not yet paid them to him, etc., the lord King made precept to the sheriff as elsewhere, etc., that he cause to be delivered all the goods and chattels of him, William, and also all the lands and tenements which were the aforesaid William's on the day on which he recognized the aforesaid debt (namely on Wednesday next before the Feast of S. George in the abovesaid year of the reign of the same King the father abovesaid, to whose hands soever they may have come in his bailiwick, by feoffment or otherwise, unless those lands and tenements have come to the heir of him, William, being within age, by extent and reasonable price), to the aforesaid Henry or to his sure attorney, to be held by the name of free tenement. And also he should take the body of William, if he were a layman and should happen to be found in his bailiwick aforesaid, and keep him safely in the King's prison, according to the form of the Statute put forth at Acton Burnell and Westminster concerning recognitions of this sort, until satisfaction should have been fully given to the aforesaid Henry concerning the aforesaid debt, together with damages, etc. And what he [has done] in the matter he should make known, etc., namely in 15 days from the day of S. Michael, wheresoever, etc.

At which day the sheriff returned that he caused all the lands and tenements which William of Kimbolton had in his bailiwick in the 32nd year of the reign of King Edward, father of the now King, as is in precept below,¹ and as is more fully contained in the extent sent to the King here. And he was ready to have delivered to Henry de Segrave, knight, all the lands and tenements which were the said William's, to be held as the writ requires. And Robert of Langdon with others unknown with force and arms resisted John Chaun, bailiff

¹ See n. 5 opposite.

Regis ; et quem nomine vicecomitis dicto Henrico terras et tenementa predicta liberare assignavi, resistit, propter quod execucionem istius brevis, prout resistenciam predictam, exequi non potuit.

Et quia hujusmodi returnum vicecomitis redundat in contemptum, opprobrium et exheredicionem domini Regis manifestam, preceptum est coronatoribus comitatus predicti quod attachiant predictum vicecomitem, scilicet Johannem de Pabenharn, ita quod eum habeant coram Rege, etc., a dié Sancti Hillarii in xv. dies ubicumque, etc., ad respondendum, etc. Et nichilominus, sicut pluries, preceptum est vicecomiti quod omnia bona et catalla, terras et tenementa predicti Willelmi, juxta formam Statuti predicti, ut predictum est, deliberare faciat predicto Henrico, tenenda in forma predicta, etc. Et quid inde, etc., scire faciat Regi ad predictum terminum, etc. Et eciam attachiaret predictum Robertum de Langedon' quod sit coram Rege ad prefatum terminum ad respondendum Regi de resistencia predicta, et ad ulterius faciendum, etc. Et sciat, etc.

Postea venerunt Thomas Sok, Johannes de Dene, de comitatu Bedefordsira, et Johannes de Ponte, de eodem comitatu, et Johannes Bernard' de comitatu Hertfordie et manuceperunt predictum Robertum de Langedon', habendi corpus ejus coram Rege ad prefatum terminum, corpus pro corpore, ad faciendum et recipiendum, etc.

24. ¹ PLACITA CORAM DOMINO REGE APUD WESTMONASTERIUM DE TERMINO SANCTI TRINITATIS, ANNO REGNI REGIS EDWARDI, FILII REGIS EDWARDI, OCTAVO. (1315.)

Adhuc de Octabis Sancti Johannis Baptiste.

(m. 96.)
London.

Dominus Rex mandavit breve suum vicecomitibus Londonie in hec verba :

Cum nuper, pro eo quod, inter ceteras Ordinaciones² per prelatos comites et proceres regni nostri factas et postmodum per nos acceptatas et approbatas, contineatur quod Statutum de Acton Burnel, pro mercatoribus dudum editum, non habeat locum nisi inter mercatorem et mercatorem et de mercandisis, et quod recogniciones que extunc juxta

¹ K.B. 27/221. Reference is made to this famous case in the Introduction (p. xxxii *sq.*) and Appendix, p. 106. *Cf.* also No. 26.

² The Ordinances of 5 Edward II (1311) which modified some anti-feudal aspects of the 'Statutes' of Merchants, 1283 and 1285.

of the lord King ; and when in the name of the sheriff he [John] assigned the aforesaid lands and tenements to the said Henry, he [Robert] resisted, whereby he could not carry out the execution of that writ for the resistance aforesaid.

And because this sort of return by the sheriff redounds in contempt, dishonour and manifest disinheritance of the lord King, precept is made to the coroners of the county aforesaid that they do attach the aforesaid sheriff, namely John of Pavenham, so that they have him before the King, etc., in 15 days of S. Hilary, wheresoever, etc., to answer, etc. And none the less precept is made to the sheriff, as oft-times, that he cause all the goods and chattels, lands and tenements of the aforesaid William according to the form of the Statute aforesaid, as is aforesaid, to be delivered to the aforesaid Henry, to be held in the form aforesaid, etc. And what [he has done] in the matter, etc., he is to make known to the King at the before-mentioned term, etc. And also he should attach the aforesaid Robert of Langdon, so that he be before the King at the before-mentioned term to answer to the King for the resistance aforesaid and to do further, etc. And he is to know, etc.

Afterwards came Thomas Sok and John of Dean of the county of Bedfordshire and John de Ponte of the same county, and John Bernard of the county of Hertfordshire and mainperned the aforesaid Robert of Langdon to have his body before the King at the before-mentioned term, body for body, to do and receive, etc.

24. PLEAS BEFORE THE LORD KING AT WESTMINSTER OF THE TERM OF THE HOLY TRINITY, IN THE EIGHTH YEAR OF THE REIGN OF KING EDWARD, SON OF KING EDWARD. (1315.)

Yet of the Octaves of S. John the Baptist.

London.

The lord King dispatched his writ to the sheriff of London in these words :

Whereas lately for that among other Ordinances made by the prelates, earls and [peers] of our kingdom and afterwards accepted and approved by us it is contained that the Statute of Acton Burnell lately put forth for merchants has no effect except between merchant and merchant and concerning merchandises, and that the recognizances which

formam ejusdem Statuti fieri contingerentur, in presencia quatuor proborum et legalium hominum notorum et ad dictas recognitiones testificandas electorum, fiant; vobis pluries preceperimus quod Johannem de Horsham, captum et in gaola nostra de Neugate detentum, pretextu cujusdam recognitionis de septem libris quam ipsum Johannem Willelmo del Conduit asseritur fecisse die Veneris proxima ante festum Sancti Dionisii post publicacionem Ordinacionum predictarum, coram Richero de Refham, majore Londonie, sub pena in dicto Statuto contenta, et que contra formam Ordinacionum predictarum, ut dicitur, facta fuit a persona illa, si ea occasione et non alia detineretur in eadem, sine dilacione aliqua deliberetis; salva prefato Willelmo actione sua versus eundem Johannem de debito predicto in forma debita proseguendo; vel causam nobis significaretis quare mandatum nostrum, alias vobis inde directum, exequi noluistis vel non debuistis. Ac vos nobis significaretis quod dicta recognicio inter mercatorem et mercatorem, et de re mercandizabili facta fuit, et antequam aliquod breve vobis directum fuit, de dictis Ordinacionibus publicandis et tenendis. Ac jam ex parte predicti Johannis nobis sit supplicatum quod, cum Ordinaciones predictæ, die Lune proxima ante festum Sancti Michaelis anno regni nostri quinto, per nos fuerint acceptate, approbate et confirmate, et in eadem civitate publicate, et recognicio predicta facta fuerit die Veneris proxima ante festum Sancti Dionisii eodem anno (sicut tam per inspectionem Ordinacionum predictarum, quam per transcriptum dicte recognitionis, in dicto returno vestro contentum, plenius apparet) velimus super hoc Johanni remedium facere opportunum: nos nolentes ipsum Johannem contra tenorem Ordinacionum predictarum indebite fatigari, vobis preceperimus quod, si predictus Johannes invenisset vobis sufficientes manucaptos qui eum manucaperent habere, videlicet quidam eorum, corpus pro corpore, coram nobis in crastino Sancti Johannis Baptiste, ubicumque tunc fuerimus in Anglia, ad standum recto de premissis et ad faciendum [et] recipiendum quod curia nostra consideraret in premissis; tunc ipsum a prisa predicta, si ea occasione et non alia detineretur in eadem, interim deliberetis per manucapcionem predictam; et per duos probos et legales homines de dicta civitate, scire faceretis prefato Willelmo quod tunc esset ibi, facturus et recepturus in hac parte quod justitia suaderet.

Ac pro eo quod ex parte ipsius Johannis accepimus iterato quod, licet ipse optulerit vobis pluries sufficientes manucaptos qui ipsum coram vobis manucepisse voluerint in forma predicta, et vos manu-

thenceforth should be made according to the form of the same Statute are to be made in the presence of four good and lawful men, known and elected for testifying to the said recognizances, we did oft-times make precept to you that John of Horsham taken and detained in our gaol of Newgate by pretext of a certain recognizance of seven pounds which it is asserted that he, John, had made to William of the Conduit on Friday next before the Feast of S. Denis, after the publication of the Ordinances aforesaid, before Richer of Reepham, mayor of London, under the penalty contained in the said Statute, and which was made, as it is said, by that person contrary to the form of the Ordinances aforesaid, if he be detained in the same [prison] on that occasion and not on another, you are to liberate him without any delay ; saving to the same William the prosecution of his action against the same John concerning the same debt in due form, or do signify to us wherefore you were unwilling or unable to execute our mandate, directed to you at another time. As you did signify to us that the said recognition was made between merchant and merchant and in respect of merchandisable things and before any writ was directed to you as to the publication and observation of the said Ordinances. And now on behalf of the aforesaid John supplication is made to us that, whereas the Ordinances aforesaid were accepted, approved and confirmed by us and published in that city on the Monday next before the Feast of S. Michael in the fifth year of our reign, and the recognizance aforesaid was made on Friday next before the Feast of S. Denis in the same year (as both by inspection of the Ordinances aforesaid and by the transcript of the said recognizance contained in your said return more plainly appears) we should be willing to make timely amends to John here-upon : we not wishing that he, John, should be unduly harassed contrary to the tenor of the Ordinances aforesaid, did make precept to you that if the aforesaid John had found you sufficient mainpernors who should mainpern to have his body, namely everyone of them body for body, before us on the Morrow of S. John the Baptist, wheresoever we might then be in England, to stand to right in the premises and to do and receive what our court shall award in the premises ; then you are to deliver him in the meantime from the prison aforesaid (if he be detained in the same on that occasion and not another) by the mainprize aforesaid ; and you shall sue to make the before-mentioned William to know by two good and lawful men of the said city that he should then be there to do and receive in this behalf what justice shall advise.

And, for as much as on behalf of him, John, we have repeatedly heard that although he may have proffered you oft-times sufficient mainpernors who were willing to have mainperned him in the form

capcionem illam admittere recusantes, eundem Johannem in prisiona taliter detinendo, vobis preceperamus, sicut alias precepimus, quod executionem mandati nostri predicti juxta effectum ejusdem sine dilacione fieri faceretis, vel causam nobis significaretis quare mandatum nostrum predictum alias vobis inde directum exequi noluistis, vel non potuistis. Ac vos nobis retornaveritis quod predictus Johannes non invenit vobis aliquos manucaptos qui eum manucapere voluerunt, sub forma in brevi contenta. Nos, pro eo quod testificatum est coram nobis in Cancellaria nostra quod prefatus Johannes pluries vobis optulerit sufficientes manucaptos, qui eum manucapere in forma predicta parati fuerunt, dictum returnum vestrum frivolum et confictum reputamus. Et quia Robertus Torney [*and five other mainpernors*] de civitate predicta ipsum Johannem de Horsham coram nobis in Cancellaria nostra manuceperunt, habere coram nobis in Octabis Sancti Johannis Baptiste proximo futuris, videlicet, quilibet eorum corpus pro corpore [*etc.*] vobis mandamus quod prefatum Johannem de Horsham a prisiona predicta, si ea occasione et non alia detineatur in eadem, sine dilacione deliberari facias per manucapcionem antedictam. Et scire faciatis prefato Willelmo quod tunc sit ibi ad faciendum quod curia nostra consideraverit in premissis. Et habeatis nomina illorum per quos ei scire feceritis, et hoc breve. Teste [*etc.*] apud Cantuariam, xj die Junii, anno regni nostri octavo.

Ad quem diem predictus Johannes de Horsham per manucapcionem predictam venit. Et predictus Willelmus del Condut similiter venit. Et predictus Johannes de Horsham dicit quod idem Willelmus del Condut ipsum injuste et contra tenorem Ordinacionum predictarum capere fecit; quia dicit quod ipse non est mercator, nec fuit die recognitionis, etc., nec recognicio predicta racione alicujus merchandise inter eos habite facta fuit, etc., et hoc petit quod inquiretur per patriam etc.

Et predictus Willelmus del Condut dicit quod predictus Johannes de Horsham est mercator notorius, et fuit die recognitionis, etc., et quod recognicio predicta facta fuit racione mercandise, etc.; et de hoc ponit se super patriam. Et predictus Johannes similiter.

Ideo veniat inde jurata coram Rege a die Sancti Michaelis in unum mensem, ubicumque, etc. Et qui nec, etc. Quia tam, etc. Et super hoc predictus Johannes de Horsham invenit manucaptos, videlicet [*their names*], habendi corpus ejus coram Rege ad prefatum terminum, et sic de die in diem et termino in terminum, audituri inquisitionem predictam, etc.

aforesaid, and you refusing to admit that mainprise, detaining the same John thus in prison, we had ordered you, as before we ordered, that you should cause execution of our mandate aforesaid to be made according to the effect of the same without delay, or signify to us the cause wherefore you were unwilling or unable to execute our mandate aforesaid directed to you. And you returned to us that the before-mentioned John did not find you any mainperners who were willing to mainpern him under the form contained in the writ. We, forasmuch as it is testified before us in our Chancery that the before-mentioned John many times offered you sufficient mainperners who were prepared to mainpern him in the form aforesaid, regard your said return as frivolous and fictitious. And because Robert Torney [*and five other mainperners*] of the city aforesaid have mainperned him John of Horsham, before us in our Chancery, to have him before us in the octaves of S. John the Baptist next coming, namely, every one of them body for body [*etc.*], we command you that you cause the before-mentioned John of Horsham to be delivered from the prison aforesaid by the mainprise aforesaid, if he be detained in the same on that occasion and not on another. And you are to make the before-mentioned William to know that then he is to be here, to do what our court shall have awarded in the premises. And you are to have the names of those by whom you made him to know and this writ. Witness [*etc.*] at Canterbury, the 11th day of June, in the 8th year of our reign.

At which day the aforesaid John of Horsham came by the mainprise aforesaid: and the aforesaid William of the Conduit likewise came. And the aforesaid John of Horsham says that the same William of the Conduit caused him to be taken unjustly and against the tenor of the Ordinance aforesaid; because he says that he is not a merchant nor was on the day of the recognition, etc., nor was the recognizance aforesaid made by reason of any merchandise had between them, etc., and this he asks, that it may be inquired by the country, etc.

And the aforesaid William of the Conduit says that the aforesaid John of Horsham is a notorious merchant and was on the day of the recognition, etc., and that the recognizance aforesaid was made by reason of merchandise, etc.; and of this he puts himself upon the country. And the aforesaid John likewise.

Therefore let a jury come thereof before the King in one month of S. Michael's Day, wheresoever, etc. And who neither, etc. Because both, etc. And hereupon the aforesaid John of Horsham found mainperners, namely [*their names*], of having his body before the King at the before-mentioned term, and so from day to day and from term to term to hear the inquisition aforesaid, etc.

Ad quem diem predictus Johannes de Horsham venit per manucapcionem predictam; et predictus Willelmus de Conduit similiter venit. Et juratores veniunt; et predictus Johannes de Horsham dicit quod ipse non vult ulterius proseguere dictam inquisitionem. Ideo idem Johannes committitur marescallo et predictus Willelmus de Conduit inde sine die, etc.

25. ¹ PLACITA CORAM DOMINO REGE APUD WESTMONASTERIUM DE TERMINO SANCTI MICHAELIS, ANNO REGNI REGIS EDWARDI, FILII REGIS EDWARDI, NONO. (1315.)

Adhuc de Octabis Sancti Michaelis.

(m. 52).
Suthantona.

Preceptum fuit vicecomiti (quia Ricardus de Stratton, miles, de comitatu predicto coram Johanne le Blound, nuper majore civitatis Regis Londonie, et Johanne de Bacquell', tunc clerico, ad recognitiones debitorum apud Londoniam accipiendas deputatis, recognovit se debere Hugoni le Despenser centum marcas, unde ei solvisse debuit ad festum Sancti Michaelis anno regni domini Edwardi quondam Regis Anglie, patris Regis nunc, tricesimo tercio, viginti et quinque marcas et sic de anno in annum, quolibet anno ad illud idem festum Sancti Michaelis viginti et quinque marcas, quousque predictas centum marcas persolvisset, et eas, etc.²) quod omnia bona et catalla predicti Ricardi ac etiam omnia terras et tenementa que fuerunt ipsius Ricardi die quo predictum debitum recognovit, videlicet die Veneris proxima ante festum Dominice in Ramis Palmarum, anno predicto, ad quorumcumque manus, etc., nisi terre et tenementa illa ad heredem infra etatem, etc., predicto Hugoni vel suo assignato per extent', etc., deliberare faceret, tenenda nomine liberi tenementi; et etiam corpus predicti Ricardi si laicus, etc., caperet et salvo in prisona, etc., quousque, etc. Et quid inde, etc. scire faceret Regi in Octabis Sancti Michaelis, ubicumque, etc.

Ad quem diem predictus vicecomes retornavit quod extendi et appreciare fecit³ omnia bona et catalla predicti Ricardi ac etiam omnia terras et tenementa que fuerunt ejusdem Ricardi die recognitionis predictae; et ea prefato Hugoni, in forma predicta tenenda, liberavit. Ac prefatus Ricardus ad diem predictum hic venit. Et

¹ K.B. 27/222.

² eas, etc., *i.e.* nondum solvit. This is the end of the narrative clause indicated by round brackets.

³ 'fecisti' in roll.

At which day the aforesaid John of Horsham comes by the main-prise aforesaid ; and the aforesaid William of the Conduit likewise comes. And the jurors come ; and the aforesaid John of Horsham says that he does not wish to sue the said inquisition further. Therefore the same John is committed to the marshal and the aforesaid William of the Conduit without a day thereof, etc.

25. PLEAS BEFORE THE LORD KING AT WESTMINSTER, OF THE TERM OF ST. MICHAEL IN THE NINTH YEAR OF THE REIGN OF KING EDWARD, SON OF KING EDWARD. (1315.)

Yet of the Octaves of S. Michael.

Southamp-
ton.

Precept was made to the sheriff (because Richard of Stratton, knight of the county aforesaid, before John le Blound, late mayor of the King's city of London and John of Bakewell then clerk, deputed to accept recognitions of debts at London, recognized that he owes to Hugh le Despenser one hundred marcs, of which he ought to have paid to him at the Feast of S. Michael in the thirty-third year of the reign of the lord Edward, sometime King of England, father of the now King, twenty and five marcs, and so from year to year, in every year at that same Feast of S. Michael twenty and five marcs, until he had paid off the aforesaid hundred marcs, and them, etc.¹) that he should cause all the goods and chattels of the aforesaid Richard and also all the lands and tenements which were his, Richard's, on the day on which he recognized the aforesaid debt, namely, Friday next before the Palm Sunday in the year aforesaid, to whose hands soever, etc. (unless those lands and tenements shall have descended to an heir within age), to be delivered to the aforesaid Hugh or to his assign, by extent, etc., to be held by the name of free tenement ; and also he should take the body of the aforesaid Richard, if he were a layman, and keep him safely in prison, etc., until, etc. And what thereof, etc., he should make the King to know in the Octaves of S. Michael, wheresoever, etc.

At which day the aforesaid sheriff returned that he caused to be extended and appraised all the goods and chattels of the aforesaid Richard, and also all the lands and tenements which were the same Richard's on the day of the recognition aforesaid ; and he delivered them to the above-mentioned Hugh to be held in the form aforesaid. And the before-mentioned Richard at the day aforesaid comes here. And

¹ i.e. he has not yet paid.

quidam Robertus de Harewedon', nomine predicti Hugonis, similiter venit et profert literam obligatoriam Statuti de debito predicto, dampnatam, et cognovit quod satisfactum est predicto Hugoni domino suo, et literam illam sic dampnatam predicto Ricardo hic in curia reddidit.

Ideo preceptum est vicecomiti quod omnia bona et catalla predicti Ricardi, ac eciam omnia terras et tenementa que fuerunt predicti Ricardi, et que per mandatum domini Regis predictum extendidit,¹ et prefato Hugoni in forma predicta tenenda occasione predicta liberavit,² eidem Ricardo sine dilacione deliberari et rehabere faciat,³ etc.

26.

'Adhuc de Tribus Septimanis Sancti Michaelis.

(m. 107d.)
London'.

⁵Dominus Rex mandavit majori et vicecomitibus Londonie breue suum in hec verba :

Edwardus Dei gratia Rex Anglie Dominus Hibernie et Dux Aquitanie, majori et vicecomitibus Londonie, salutem. Cum nuper inter ceteras Ordinationes per prelatos, comites et barones regni Regis ⁶ facte et postmodum per nos acceptatas contineatur quod nulla recognicio juxta formam Statuti apud Acton Burnel editi, nisi inter mercatorem et mercatorem tantum, et hoc de mercandisis, extunc admitteretur; vobisque preceperimus quod dictas Ordinationes in omnibus et singulis suis articulis in dicta civitate firmiter et inviolabiliter observari faceretis; ac postmodum ad presentationem Milonis Hansum de Gloucestria Regi suggerentis quod vos, licet ipse clericus sit et non mercator nec pro mercatore habitus sive cognitus sive incognitus, hactenus extiterit nec existat, ipsum, virtute cujusdam recognicionis coram vobis, prefato majore et Willelmo de Trent, ad recogniciones debitorum juxta formam Statuti predicti in eadem civitate accipiendas deputatis, die Veneris proxima post festum Annunciacionis Beate Marie, anno regni Regis sexto facte, de quadraginta libris Simoni Bolet de Londonia, certis terminis in dicta recognicione contentis et jam preteritis,

¹ 'extendidisti' in roll.

² 'liberasti' in roll. Words seem to have been omitted here in the roll.

³ Altered in roll from 'facias.'

⁴ K.B. 27/222. For this case cf. No. 24, and below, Appendix, p. 106.

⁵ This record is rubbed and nearly illegible in places.

⁶ Sic for 'nostri.' The construction of the whole paragraph is confused and obscure.

a certain Robert of Harewedon, in the name of the aforesaid Hugh, likewise comes and proffers a letter obligatory of the Statute concerning the debt aforesaid, cancelled, and he acknowledged that satisfaction has been given to the aforesaid Hugh his lord ; and he gave back that letter so cancelled to the aforesaid Richard here in court.

And precept is made to the sheriff that without delay he should cause to be delivered and restored, etc., to the same Richard all the goods and chattels of the aforesaid Richard, and also all the lands and tenements which were the same Richard's and which by the mandate aforesaid of the lord King he extended and delivered to the aforesaid Hugh to be held in the form aforesaid on the occasion aforesaid.

26.

Y^et of the Three Weeks of S. Michael.

London,

The lord King dispatched to the mayor and sheriffs of London his writ in these words :

Edward by the grace of God King of England, lord of Ireland and Duke of Aquitaine, to the mayor and sheriffs of London, greeting. Whereas lately among the other Ordinances made by the prelates, earls and barons of the realm and afterwards accepted by us there is contained that no recognition according to the form of the Statute put forth at Acton Burnell should thenceforth be admitted, unless between merchant and merchant only, and this concerning merchandises, and we did send precept to you that you should cause the said Ordinances to be firmly and inviolably observed in the said city in all and singular their articles ; and afterwards at the presentment of Miles Hansum of Gloucester suggesting to the King that, although he be a clerk and not a merchant, nor has been nor is held to be a merchant, either known or unknown, you took him by virtue of a certain recognizance made before you, the before-mentioned mayor and William of Trent, deputed to accept recognitions of debts according to the form of the Statute aforesaid in that city, on Friday next after the Feast of the Annunciation of the Blessed Mary in the sixth year of the King's reign, for forty pounds, to Simon Bolet of London, at certain terms contained in

cepistis, et ipsum ea occasione in prisona Regis de Neugate adhuc detinetis; vobis preceperimus quod, inspectis ordinacionibus et recognicionibus predictis, si vobis constare posset ita esse, tunc ipsum Milonem contra tenorem Statuti et Ordinacionum predictorum non molestaretis in aliquo seu gravaretis. Et si quid per vos in hac parte [in] ipsum indebite ac contra tenorem Ordinacionum earundem per vos fuerit attemptatum, id revocari faceretis indilate.

Ac eciam ad sectam prefati Simonis, Regi postmodum suggerentis predictam Milonem mercatorem notum ¹ et non clericum fuisse tempore dicte recognicionis facte; dictam que recognicionem pro cineribus ac aliis mercandisis factam fuisse, et non contra tenorem Ordinacionum predictarum, vobis iterato preceperimus quod inspectis recognicione et Ordinacionibus predictis, vocatis que coram vobis partibus predictis, si inveniretis recognicionem predictam rite et non contra tenorem Ordinacionum predictarum factam fuisse, tunc eam execucioni debite juxta formam Statuti predicti, aliquibus mandatis Regis vobis in contrarium directis [non obstantibus].

Quia tamen ex parte ipsius Milonis Regi iterato est ostensum quod mercator non fuit tempore dicte recognicionis facte, nec pro mercatore habitus sive cognitus; quodque dicta recognicio contra tenorem Ordinacionum predictarum in omnibus et singulis suis articulis facta existit; ac eciam Regi est ex parte sua cum instantia supplicatum ut eidem Miloni in premissis remedium fieri faciat ² oportunum; nolentes quod idem Milo per hujusmodi diutinium et voluntarium ³ corporis sui imprisonment taliter contra tenorem Ordinacionum earundem pregraveretur, vobis precepit Rex quod vocatis coram vobis partibus predictis, inspectisque Ordinacionibus et recognicione predictis eidem Miloni fieri faciatis celeris justicie complementum, juxta tenorem Ordinacionum predictarum. Si aliqua difficultas subfuerit, quare id facere nequeatis, tunc ipsum Milonem sub salva et secura custodia habeatis coram Rege in crastino Animarum, ubicumque, etc., ad faciendum et recipiendum quod Curia Regis, etc., consideraverit in hac parte; prefato Simoni scire facientes quod tunc sit ibi facturus et recepturus quod in premissis juxta tenorem Ordinacionum ⁴ predictarum duximus faciendum, etc. ⁵

Ad quem diem predicti major et vicecomites Londonie retornaverunt quod virtute istius brevis venire fecerunt coram eis ad Gyhaldam Londonie partes in brevi contentas. Et inspectis Ordinacionibus et

¹ Cf. Vol. I, p. clxxxvi.

³ i.e. arbitrary.

² 'faciamus' in roll.

⁴ 'ordinacionis' in roll.

⁵ This writ is attested by the King at Walsingham on the 6th October 9 Edward II.

the said recognizance and now past ; and him on that occasion you still detain in the King's prison of Newgate ; we did make precept to you that after inspecting the ordinances and recognizances aforesaid, if you could find that it is so, then you should not in anywise molest or oppress him, Miles, contrary to the tenor of the Statute and Ordinances aforesaid. And if anything had been attempted by you against him in that behalf unduly, and contrary to the tenor of the same Ordinances, you should cause that to be recalled without delay.

And also at the suit of the before-mentioned Simon, afterwards suggesting to the King that the aforesaid Miles was a noted merchant and not a clerk at the time of the making of the said recognizance ; and that the said recognizance was made for ashes and other merchandises and not contrary to the tenor of the Ordinances aforesaid, we did again make precept to you that after inspecting the recognizance and Ordinances aforesaid, and calling before you the parties aforesaid, if you should find the recognizance aforesaid to have been rightly made and not contrary to the tenor of the Ordinances aforesaid, then you were to put it in execution duly, according to the form of the Statute aforesaid, any mandates of the King to the contrary directed to you notwithstanding.

Because, however, on behalf of him, Miles, it is again shown that he was not a merchant at the time of the making of the said recognizance, nor held or known as a merchant ; and that the said recognizance is made contrary to the tenor of the Ordinances aforesaid in all and singular their articles ; and also on his part earnest supplication has been made to the King that he should make a timely remedy for the same Miles ; not wishing that the same Miles should be thus oppressed contrary to the tenor of the same Ordinances by delay of this sort and arbitrary imprisonment of his body, the King made precept to you that after calling before you the parties aforesaid and inspecting the Ordinances and recognizance aforesaid you are to cause a full measure of speedy justice to be done to the same Miles according to the tenor of the Ordinances aforesaid. If any difficulty shall arise wherefore you may be unable to do that, then you are to have him, Miles, under safe and secure custody before the King on the Morrow of All Souls, wheresoever, etc., to do and receive what the King's court, etc., may have awarded in this behalf ; making the before-mentioned Simon to know that he be there then, to do and to receive what we have thought proper to be done, etc., in the premises according to the tenor of the Ordinances aforesaid, etc.

At which day the aforesaid mayor and sheriffs of London returned that by virtue of that writ they caused to come before them at the Guildhall of London the parties contained in the writ. And after

eciam recognicione ¹ Milonis infrascriptis, idem Milo coram eis examinatus, recognovit se recepisse de Simone infrascripto xij dolea vini et unum doleum cinerum wisde pro debito in recognicione contento. Et predicta vinum et cineres vendidit cui voluit, pro libito sue voluntatis. Preterea ² idem Milo, vocando se ipsum in illa recognicione burgensem de Gloucestria, predictam recognicionem fecit coram majore Londonie, anno Regis nunc vj^{to}, per testimonium proborum et legalium hominum qui presentes fuerunt tempore recognicionis, secundum quod in Ordinacionibus continetur.³

Insuper [quia] predictus Milo, alias, in Hustengo Londonie convictus fuit per inquisicionem in quam se posuit, quod fuit receptor et mercator cujusdam Henrici Crips, nullam difficultatem ⁴ invenimus in premissis, etc.

Et super hoc predictus Milo, per vicecomites Londonie hic ductus, venit, et predictus Simon gratis similiter venit et dicit quod dicta recognicio facta fuit debito modo prout fieri debuit secundum tenorem Ordinacionum, etc. Et ad majorem evidenciam quod idem Milo est mercator, idem Simon ostendit hic in curia quoddam scriptum sigillo dicti Milonis consignatum, quod testatur quod predictus Milo Hansum burgensis et mercator Gloucestrie recognovit se teneri Simoni Bolet civi Londonie in quadraginta libris pro bonis denarratis ab eo emptis et receptis in Londonia.⁵ Et idem Milo viso scripto predicto dicit quod est factum suum, et quod dicta recognicio debito modo facta fuit, etc. Et quia idem Milo alia de causa in prisa de Neugate prout superius patet per returnum, etc., detineretur, etc., ideo recommitteretur, ibidem moraturus quousque tam eidem Simoni de debito predicto, unacum dampnis, juxta formam Statuti, etc., fuerit satisfactum, quam prefato Henrico Crips, etc.

¹ *i.e.* the 'bill obligatory' on which the action was based.

² 'Preteria' in roll.

³ Ordinances of 1311, Art. XXXIII.

⁴ A reference to the suggestion in the last paragraph of the writ.

⁵ This is only a reference to the same recognizance.

inspecting the Ordinances and also the recognizance of Miles within written, the same Miles, examined before them, recognized that he had received from Simon below written 12 tuns of wine and one ton of wood ashes for the debt contained in the recognizance. And the aforesaid wine and ashes he sold to whom he willed at his free choice. Moreover the same Miles, calling himself in that recognizance a burgess of Gloucester, made the aforesaid recognizance before the mayor of London, in the 6th year of the now King by the testimony of good and lawful men who were present at the time of the recognition, according to what is contained in the Ordinances.

Moreover [because] the aforesaid Miles, at another time, in the Hustings of London, was convicted by an inquisition on which he placed himself as being the receiver¹ and merchant of a certain Henry Crips, we have found no difficulty in the premises, etc.

And hereupon the aforesaid Miles, conducted by the sheriffs of London, comes, and the aforesaid Simon comes likewise of his own will and says that the said recognizance was made in due manner as it ought to be made according to the tenor of the Ordinances, etc. And for fuller evidence that the same Miles is a merchant, the same Simon shows here in court a certain writing sealed with the seal of the said Miles, which testifies that the aforesaid Miles Hansum, burgess and merchant of Gloucester, recognized that he was bound to Simon Bolet, citizen of London, in forty pounds for the goods set forth, bought from him and received in London. And the same Miles, having seen the writing aforesaid, says that it is his deed, and that the said recognizance was made in due manner, etc. And because the same Miles was detained, etc., in the prison of Newgate for another cause, as appears above by the return, etc., therefore he is recommitted there, to remain until satisfaction shall be given, both to the same Simon and to the aforesaid Henry Crips, etc., for the debt aforesaid, together with damages according to the form of the statute, etc.

¹ *i.e.* of the moneys, etc.

27. ¹ PLACITA CORAM DOMINO REGE APUD WESTMONASTERIUM DE
TERMINO SANCTE TRINITATIS ANNO REGNI REGIS EDWARDI
FILII REGIS EDWARDI NONO. (1316.)

Adhuc de Quindena Sancti Johannis Baptiste.

(m. 101.) Dominus Rex mandavit Hugoni de Louthre breve suum in hec verba :

Edwardus Dei gracia Rex Anglie Dominus Hibernie et Dux Aquitanie dilecto et fideli suo Hugoni de Louthre, salutem. Cum dat[um fuit]² nobis intelligi quod Gerardus Salweyn, nuper Escaetor noster ultra Trentam et vicecomes noster comitatus Eboracsire, ac clerici, ballivi et ministri³ ejusdem Gerardi, sub colore officiorum suorum hominibus de comitatu illo et aliis in eodem comitatu venientibus, per falsa indictamenta, imprisonment, appella, roberias gravas, redempciones intolerabiles, districtiones ex causis injustis fictas, et diversarum pecunie summarum et rerum extorsiones dampna et gravamina quamplurima diversimode intulerunt, in nostri contemptu et ipsorum dampnum non modicum et depauperacionem manifestam, unde non immerito commovebamur;⁴ assignavimus vos et dilectos et fideles nostros Ricardum de Bernyngham et Alexandrum de Cave justiciarios nostros ad inquirendum per sacramentum proborum et legalium hominum de comitatu predicto tam infra libertates quam extra, per quos rei veritas melius sciri posset, de hujusmodi felonis, oppressionibus, dampnis et gravaminibus plenius veritatem; et ad querelas omnium et singulorum de predicto⁵ Gerardo et ejus clericis, ballivis et ministris suis in dicto comitatu de tempore predicto, tam pro nobis quam pro se ipsis, de quibuscumque felonis [etc.], eis per predictum Gerardum et ejus clericis [etc.], injuste illatis, conqueri et prosequi volencium audiendas et terminandas; et partibus plenam et celerem justiciam inde faciendam secundum legem et consuetudinem regni nostri. Nos certis de causis certiorari volentes super recordo et processu loquele que fuit, ut accepimus, coram vobis et sociis vestris predictis, virtute assignacionis predictae, inter Willelmum Scryveyn' de Pontefracto et predictum Gerardum de quibusdam damnis et injuriis

¹ K.B. 27/225. For the writs recited, see Calendar of Patent Rolls.

² 'dato' in roll. 'Quia datum est' is the reading of the second writ mentioned below (p. 41).

³ For the subordinate establishments of the medieval King and Sheriff alike, see Professor Hilda Johnstone's valuable Appendices to the work cited below (p. 95, n. 6).

⁴ 'commovemur' in the second version below.

⁵ 'prefato' in the original commission.

27. PLEAS BEFORE THE LORD KING AT WESTMINSTER OF THE TERM OF THE HOLY TRINITY, IN THE NINTH YEAR OF THE REIGN OF KING EDWARD, SON OF KING EDWARD. (1316.)

Yet of the Quindisme of S. John the Baptist.

The Lord King dispatched his writ to Hugh of Lowther in these words :

Edward by the grace of God, King of England, Lord of Ireland and Duke of Aquitaine, to his beloved and faithful Hugh of Lowther, greeting. Whereas we were given to understand that Gerard Salvayn, lately our escheator beyond Trent and our sheriff of Yorkshire, and the clerks, bailiffs and ministers of the same Gerard, under colour of their offices, have inflicted upon the men of that county and on others coming in the same county court very many damages and grievances in divers ways by false indictments, imprisonments, appeals, grievous robberies, intolerable ransoms, fictitious distrains from unjust causes and extortions of divers sums of money and property, in contempt of us and their no small loss and manifest impoverishment, whereby we were not moved to undeserved anger ; we assigned you and our beloved and faithful Richard of Berningham and Alexander of Cave, our justices, to inquire, by the oath of good and lawful men of the county aforesaid, as well within liberties as without, by whom the truth of the matter might be better known, the truth more fully concerning felonies, oppressions, damages and grievances of this sort ; and to hear and determine the complaints of all and singular wishing to complain of the aforesaid Gerard and his clerks, bailiffs, and ministers and to prosecute as well for us as for themselves, in respect of all sorts of felonies [*etc.*] unjustly inflicted on them by the aforesaid Gerard and his clerks [*etc.*], in the said county for the time aforesaid ; and to do full and speedy justice therein to the parties according to the law and custom of our realm. We willing for certain causes to be certified upon the record and process of the plea which was, as we have heard, before you and your fellows aforesaid by virtue of the assignment aforesaid, between William the Scrivener of Pontefract and the aforesaid Gerard, concerning certain losses and injuries inflicted on the same

eidem Willelmo per prefatum Gerardum illatis, ut dicitur, vobis mandamus quod, si iudicium inde redditum sit, tunc recordum et processum loquere predictae cum omnibus ea tangentibus nobis, sub sigillo vestro distincte et aperte, sine dilacione mittatis et hoc breve. Teste me ipso, apud Lincolniam, secundo die Februarii anno regni nostri nono.

Pretextu cujus brevis idem Hugo misit recordum et processum in hec verba :

Dominus Rex [*as above*] . . . salutem. Quia datum est . . . [*as above*] commovemur. Nos nolentes talia, si perpetrentur, transire impunita, set potius tam pro nobis quam pro aliis quibuscumque in hac parte se conqueri volentibus oportunitatem remedium inde adhibere volentes, assignavimus vos et duos vestrum, quorum vos prefate Hugo alterum esse volumus, justiciarios nostros . . . [*as above*] secundum legem et consuetudinem regni nostri. Et ideo vobis mandamus quod ad certos dies et loca, quos vos vel duo vestrum quorum [*etc.*] premissa omnia et singula faciatis et expleatis in forma predicta. Facturi inde quod ad justiciam pertinet secundum legem et consuetudinem regni nostri. Salvis nobis amerciamentis et aliis ad nos inde spectantibus. Mandavimus enim vicecomiti nostro [*etc.*] venire faciat coram vobis vel [*etc.*] tot et tales probos [*etc.*] . . . per quos [*etc.*]. Et quod in singulis locis in balliva sua, ubi expediri viderit, publice faciat proclamare. Et quod ad eosdem dies et loca omnes in hac parte se conqueri volentes sint coram vobis vel duobus vestrum, quorum vos prefate Hugo [*etc.*] querelas suas prosecuturi, si sibi viderint expedire. In cujus rei [*etc.*] xj die Julii anno . . . [*as above*].

Pretextu cujus mandati predicti justiciarii mandaverunt vicecomiti Eboracsire quod venire faceret Gerardum Salvayn coram eis apud Eboracum die Veneris proxima post festum Epiphanie Domini anno regni domini Regis nunc nono, ad respondendum Willelmo Scrivayn' de pluribus transgressionibus. Et vicecomes, (quia habuit in custodia sua corpus predicti Gerardi pro pluribus transgressionibus de quibus convictus fuit coram Johanne de Membray et Hugone de Louthre) duxit ipsum in curiam coram prefatis justiciariis; qui venit et respondit.¹

¹ The record of the proceedings of the justices at York (pp. 42-43).

William by the before-mentioned Gerard, as it is said, command you that, if judgment is rendered thereof, then you are without delay to send the record and process of the plea aforesaid with all things touching them to us under your seal distinctly and openly and this writ. Witness myself at Lincoln the second day of February, in the ninth year of our reign.

By pretext of which writ the same Hugh sent the record and process in these words :

The lord King [*as above*] to . . . greeting. Because we are given . . . [*as above*] moved to anger [*as above*]. We not willing that such deeds as these, if they be perpetrated, should pass unpunished, but willing rather to apply a timely remedy in this behalf as well for ourselves as for others whomsoever, wishing to complain themselves, have assigned you and two of you, of whom we wish you, the before-mentioned Hugh, to be one, our justices . . . [*as above*] according to the law and custom of our realm. And therefore we command you that at certain days and places, which you or two of you, of whom [*etc.*] you shall do and carry out all and singular the premises in the form aforesaid. And that you will do therein what pertains to justice according to the law and custom of our realm. Saving to us amercements and other things pertaining to us therefrom. For we have commanded our sheriff [*etc.*] that he make to come before you or [*etc.*] so many and such like good [*etc.*] . . . by whom [*etc.*]. And that he make public proclamation in the several places in his bailiwick where it shall seem expedient. And that at the same days and places all wishing to complain in this behalf are to be before you or two of you, of whom you the before-mentioned Hugh [*etc.*], to prosecute their pleas, if it seem to them expedient. In witness whereof [*etc.*] the 11th day of July, in the year . . . [*as above*].

By pretext of which mandate the aforesaid justices commanded the sheriff of Yorkshire that he should make Gerard Salvayn come before them at York on Friday next after the Feast of the Epiphany of Our Lord, in the ninth year of the reign of the now Lord King, to answer William the Scrivener for many trespasses. And the sheriff (because he had in his custody the body of the aforesaid Gerard for many trespasses of which he was convicted before John de Mowbray and Hugh of Lowther) brought him into court before the aforesaid justices ; who came and answered.

PLACITA APUD EBORACUM DIE VENERIS PROXIMA POST FESTUM
EPIPHANIE DOMINI ANNO REGNI REGIS EDWARDI NONO : CORAM
HUGONE DE LOTHRE ET ALEXANDRO DE CAVE. (1316.)

Gerardus Salvayn nuper vicecomes Eboracsire allocutus de quare cum idem Gerardus die Dominica proxima ante Festum Translacionis Sancti Thome Martiris anno regni Regis Edwardi sexto, simul cum Galfrido de Estone, Adam Abot et Adam le Berch', Willelmum Scryvayn' in civitate Eboraci ceperunt et usque castrum Eboraci duxerunt et ibidem in priona absque warranto detinuerunt; et postea procuraverunt quendam Johannem Welot de Brabaunt ad portandum quoddam breve de Statuto Mercatorum¹ versus predictum Willelmum Scryvayn' de sexaginta librarum et post illud breve portatum ceperunt predictum Willelmum et in fundo gaole inter latrones firgiatum² posuerunt juxta quendam hominem mortuum, Gilbertum Hendyng, quem iidem Gerardus, Galfridus, Adam et Adam in eadem priona murdraverunt et sic ipsum in eadem priona detinuerunt quousque solvebat predicto Gerardo predictas sexaginta libras. Et quando idem Gerardus amotus fuit ab officio suo, idem Gerardus liberavit predictum Willelmum le Scryvayner Johanni Malebis, tunc vicecomiti, per indenturam cum ceteris prisonibus ad retinendum in priona pro sexaginta libris quas prius predicto Gerardo solvebat. Et idem Willelmus le Scryvayner solvit predicto Gerardo quando necessaria sua fecit ad garderobam qualibet vice sex denarios dum in priona predicta extitit: unde dicit quod deterioratus est et dampnum habet ad valentiam mille librarum. Et inde producit sectam, etc.

Et Gerardus venit et defendit vim et injuriam quando, etc. Et dicit quod bene advocat captionem predicti Willelmi le Scryvayner juste, quia dicit quod eo tempore fuit vicecomes comitatus Eboracsire et quod breve domini Regis sibi venit ad capiendum predictum Willelmum pro quoddam debito sexaginta librarum in quibus idem Willelmus tenebatur Johanni le Gras de Eboraco, per Statutum Mercatorum et non altero³ modo. Et quo ad sexaginta libras, dicit quod non cepit nisi octodecim libras, et hoc per warrantum et virtute brevis domini Regis sibi porrecti pro debito sexaginta librarum predictarum, in quibus Johanni le Gras⁴ tenebatur per Statutum antedictum et non alio modo.

Et predictus Willelmus [le] Scryvayner dicit quod predictus Gerardus ipsum cepit et imprisonavit sine waranto et colore officii sui, et ipsum in priona modo predicto detinuit; et predictas sexaginta libras ab

¹ *i.e.* of 1285.

² In fetters.

³ Sic.

⁴ 'le Gra' in roll.

PLEAS AT YORK ON FRIDAY NEXT AFTER THE FEAST OF THE EPIPHANY OF OUR LORD IN THE NINTH YEAR OF THE REIGN OF KING EDWARD BEFORE HUGH OF LOWTHER AND ALEXANDER OF CAVE. (1316.)

Gerard Salvayn, late sheriff of Yorkshire, accosted as to why, with the same Gerard on Sunday next before the Feast of the Translation of S. Thomas the Martyr in the sixth year of the reign of King Edward, together with Geoffrey of Easton, Adam Abot and Adam le Bercher, they took William the Scrivener in the city of York and brought him to the Castle of York and there detained him without warrant; and afterwards procured a certain John Welot of Brabant to bring a certain writ relating to the Statute of Merchants against the aforesaid William the Scrivener, for sixty pounds; and after that writ was brought they took the aforesaid William and put him in the bottom of the gaol, in irons, between robbers, next to a dead man, Gilbert Hendyng, whom the same Gerard, Geoffrey, Adam and Adam murdered in the same prison, and so they detained him in the same prison until he paid to the aforesaid Gerard the aforesaid sixty pounds. And when the same Gerard was removed from his office, the same Gerard delivered the aforesaid William the Scrivener to John Malebis, then sheriff, by indenture, with the other prisoners, to be retained in prison for the sixty pounds which he had previously paid to the aforesaid Gerard. And the same William the Scrivener paid to the aforesaid Gervase when he had occasion to make use of the wardrobe, sixpence for each occasion while he was in the prison aforesaid: whereupon he says that he is the worse and has loss to the value of a thousand pounds. And thereof he produces suit, etc.

And Gerard comes and defends force and injury, when, etc., and he says that he well avows the taking of the aforesaid William the Scrivener; firstly, because he says that at that time he was sheriff of the county of Yorkshire, and that the writ of the lord King came to him to take the aforesaid William for a certain debt of sixty pounds in which the same William was held to John le Gras of York by the Statute of Merchants and not otherwise. And as to the sixty pounds, he says that he did not take more than eighteen pounds, and this by warrant and by virtue of the King's writ handed to him in respect of the debt of sixty pounds aforesaid in which he [William] was held to John le Gras by the Statute beforesaid and not otherwise.

And the aforesaid William [the] Scrivener says that the aforesaid Gerard took him and imprisoned him without warrant and by colour of his office, and detained him in prison in the manner aforesaid; and

eo cepit sine warranto alicujus brevis domini Regis sibi directi, prout queritur. Et hoc paratus est verificare per patriam, etc.

Et Gerardus dicit quod predictus Willelmus cepit virtute brevis domini Regis sibi directi et non sicut idem Willelmus ei imponit ; et hoc petit quod inquiratur per patriam. Et predictus Willelmus similiter. Ideo preceptum est vicecomiti quod venire faciat hic coram eisdem justiciariis xij tam milites quam liberos et legales homines, tam de civitate Eboraci quam de wapentagio de Claro et Aynisty, quod sint hic die Lune proxima ante Festum Sancti Vincencii, per quos, etc. ; et qui nec, etc., ad recognoscendum in forma predicta. Quia tam, etc.

Ad quem diem partes venerunt ; et similiter juratores, de consensu parcium electi ; qui dicunt, super sacramentum suum, quod predictus Gerardus predictum Willelmum le Scrivayner sine warranto cepit et ipsum imprisonavit in castro Eboraci, et ipsum cum quodam homine mortuo, Gilberto Hendynges, qui mortuus est in prisa, ligavit, ad dampnum predicti Willelmi quadraginta librarum ; et contra pacem domini Regis, etc.

Ideo consideratum est quod predictus Willelmus recuperet inde dampna sua, que taxantur per predictos juratores ad quadraginta libras. Et predictus Gerardus in misericordia.

28. ¹ PLACITA CORAM DOMINO REGE APUD WESTMONASTERIUM, DE TERMINO PASCHE ANNO REGNI REGIS EDWARDI FILII REGIS EDWARDI UNDECIMO. (1318.)

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Adhuc de Quindena Pasche.

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(m. 125a.)
Warrewic'.

Dominus Rex mandavit vicecomiti predicto breve suum in hec verba :

Edwardus Dei gratia Rex Anglie, Dominus Hibernie, et Dux Aquitanie, vicecomiti Warrewicsire, salutem. Quia intelleximus quod Lucas Gerard de Bannebury rectatus est de controfactione sigilli nostri ad recogniciones debitorum pro mercatoribus apud Oxoniam deputati, et ea occasione captus et in prisa nostra Warrewici detentus existit ; quod quidem factum, eo quod tangit sedicionem nobis factam, alibi quam coram nobis vel Justiciariis nostris terminari non debet, secundum legem et consuetudinem regni nostri, tibi precipimus quod corpus predicti Luce cum attach[iament]o suo et omnibus aliis negocium illud

¹ K.B. 27/232.

took from him the aforesaid sixty pounds without the warrant of any writ of the lord King directed to him, as he complains. And this he is prepared to aver by the country, etc.

And Gerard says that he took the aforesaid William by virtue of the writ of the lord King directed to him, and not as the said William imposes on him. And this he asks that it may be inquired by the country. And the aforesaid William likewise. Therefore precept is made to the sheriff that he make to come here before the same justices 12, as well knights as free and lawful men, as well of the city of York as of the wapentake of Claro and Ainsty, that they be here on Monday next before the Feast of S. Vincent; by whom etc.; and who neither, etc., to recognize in the form aforesaid. Because as well, etc.

At which day the parties came; and likewise the jurors elected by consent of the parties; who say, on their oath, that the aforesaid Gerard took the aforesaid William the Scrivener without warrant and imprisoned him in the castle of York, and fettered him with a certain dead man, Gilbert Hendynges, who died in prison, to the damage of the aforesaid William forty pounds; and against the peace of the lord King, etc.

Therefore it is awarded that the aforesaid William do recover his damages thereof, which are taxed by the aforesaid jurors at forty pounds. And the aforesaid Gerard in mercy.

28. PLEAS BEFORE THE LORD KING AT WESTMINSTER OF THE TERM OF EASTER IN THE ELEVENTH YEAR OF THE REIGN OF KING EDWARD, SON OF KING EDWARD. (1318.)

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Yet of the Quindisme of Easter.

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The Lord King dispatched his writ to his sheriff in these words :

Edward by the grace of God King of England, lord of Ireland and Duke of Aquitaine, to the sheriff of Warwickshire, greeting. Because we have understood that Luke Gerard of Banbury is accused of the counterfeiting of our seal appointed for recognizances of debts on behalf of merchants at Oxford, and by occasion of that is taken and detained in our prison of Warwick; which deed forasmuch as it amounts to sedition done against us cannot be determined elsewhere than before us or our justices, according to the law and custom of our realm, we order thee that thou have the body of the aforesaid Luke, with his attachment and all other things touching that business before us in

tangentibus habeas coram nobis a die Pasche in xv. dies, ubicumque tunc fuerimus in Anglia. Et habeas ibi hoc breve. Teste me ipso apud Byffet, xii. die Aprilis, anno regni nostri undecimo.

Virtute cujus brevis predictus vicecomes misit corpus predicti Luce, una cum attachiamento ejusdem in quadam cedula predicto brevi consuta, et quadam pixide et una obligacione de Statuto Mercatorum in custodia ejusdem Luce inventa. Et est tenor cedule talis :

Die Mercurii proxima ante Dominicam in Ramis Palmarum proximo preteritam, Thomas le Chapeleyn de Sybbeford venit in villa Warrewici et hutesium levavit super Lucam Gerard et coram vicecomite et Willelmo de Sutton' coronatore comitatus predicti invenit plegios de proseguendo versus eum pro domino Rege, videlicet Ricardum de Abbembury et Ricardum de Kynton' de Brochampton'. Et dicit quod predictus Lucas, in sedicionem domini Regis, falsavit et contrefecit sigillum domini Regis ad recogniciones debitorum pro mercatoribus apud Oxoniam deputatum. Et hoc tendebat verificare per quandam obligacionem de forma Statuti Mercatorum in qua continetur quod Magister Thomas de Abburbury anno domini Edwardi nuper Regis Anglie, patris domini Regis nunc xxxiiij^{to}, coram majore Oxonie et clerico Regis ad recogniciones debitorum ibidem tunc accipiendas deputatis, recognovit se debere domino Waltero Coventrensi et Lichfeldensi episcopo mille libras argenti, solvendas ad certum diem in eadem contentum. Quam quidem obligacionem idem Lucas postea in pleno comitatu, tento¹ apud Warrewicum, die Lune in festo Apostolorum Philippi et Jacobi, recognovit esse secum inventum,² tanquam catalla² predicti Episcopi; et in presencia tocius comitatus idem Lucas predictam obligacionem in quadam pixide posuit et sigillo suo eandem signavit, una cum sigillis Willelmi de Sutton' et Roberti le Belgete coronatorem ville Warrewici.

Qui quidem Lucas, ut predictum est, coram Rege venit; et quesitum est ab eodem qualiter et quomodo ipse advenit ad predictam litteram obligatoriam de Statuto Mercatorum suspectam, sigillo Regis, ut dicitur, controfacto signatam, dicit quod illam eandem litteram habuit ex deliberacione cujusdam Johannis Gerard de Sulthorn'. Et quia testatum est in curia hic quod predictus Johannes manens est in comitatu Oxon' preceptum est eidem vicecomiti quod attachiet predictum Johannem; ita quod eum habeat coram Rege in Crastino Ascensionis Domini, ubicumque, etc., ad respondendum Regi, simul cum predicto Luca, super premissis, etc. Et quia necesse est quod curia Regis certioretur super tenore recogni-

¹ 'tentum' in roll.

² Sic.

15 days of Easter Day, wheresoever we may then be in England. And have thou there this writ. Witness myself at Byfleet, the 12th day of April in the eleventh year of our reign.

By virtue of which writ the aforesaid sheriff sent the body of the aforesaid Luke, together with the attachment of the same in a certain schedule sewn to the aforesaid writ, and a certain pyx, and one obligation of the Statute of Merchants found in the custody of the same Luke. And the tenor of the schedule is this :

On Wednesday next before Palm Sunday, last past, Thomas the Chaplain of Sibford came into the town of Warwick and raised the Hue and Cry upon Luke Gerard and found pledges before the sheriff and William of Sutton, coroner of the county aforesaid, to prosecute against him for the lord King, namely, Richard of Adderbury and Richard of Kington of Brockhampton. And he says that the aforesaid Luke, in sedition of the lord King, falsified and counterfeited the seal of the lord King appointed for recognizances of debts on behalf of merchants at Oxford. And this he designed to aver by a certain obligation in the form of the Statute of Merchants, in which is contained that Master Thomas of Adderbury in the 34th year of the lord Edward, late King of England, before the mayor of Oxford and the King's clerk then deputed to receive recognizances of debts there, recognized that he owed to the lord Walter, bishop of Coventry and Lichfield, one thousand pounds to be paid at a certain day contained in the same recognizance; which obligation indeed the same Luke afterwards in the full county court held at Warwick on Monday at the Feast of the Apostles Philip and James recognized as having been found on him as chattels of the aforesaid bishop's, and in the presence of the whole county court the same Luke placed the aforesaid obligation in a certain pyx and sealed the same with his seal, together with the seals of William of Sutton and Robert le Belgate, coroner of the town of Warwick.

Which Luke indeed, as is aforesaid, comes before the King; and the same is asked how and in what manner he came by the aforesaid suspect letter obligatory of the Statute of Merchants, sealed, as it is said, with the King's seal counterfeited, says that he had that same letter by delivery from a certain John Gerard of Souldern. And because it is testified in court that the aforesaid John is dwelling in the county of Oxfordshire, precept is made to the same sheriff that he do attach the aforesaid John; so that he have him before the King in the Morrow of the Ascension of Our Lord, wheresoever, etc., to answer to the King, together with the aforesaid Luke, upon the premises, etc. And because it is necessary that the King's court be certified upon the tenor of the

cionum factarum Waltero Coventrensi et Lichfeldensi Episcopo, si que fuit, coram majore Oxonie et clerico Regis ville ejusdem ad recogniciones debitorum ibidem accipiendas deputatis, tam de tempore domini Edwardi patris, etc., quam de tempore domini Regis nunc, preceptum est eisdem majori et clerico¹ quod transcripta omnium hujusmodi recognicionum prefato Waltero de tempore predicto factarum, distincte et aperte ad prefatum terminum sub sigillis, etc. Regi mittant, etc., ut inspectis, etc., fieri faciat quod de jure, etc., fuerit faciendum, etc.²

Ad quem diem predictus Thomas le Chapeleyn, qui sequitur pro domino Rege, et similiter predicti Lucas et Johannes, per mare-scillum ducti, veniunt. Et vicecomes Salop' mandavit quod predictus Nicholaus de Lideleye, quem predictus Johannes prius, etc., mortuus est; et hoc idem testatur in curia. Et super hoc predicti Lucas et Johannes requisiti qualiter advenerunt ad predictum statutum suspectum, etc., dicunt quod ipsi illud idem statutum habuerunt et emerunt de predicto Nicholao apud Sulthorn' tanquam catalla eorum. Ita quod nuncquam sciverunt de aliquibus controfactione seu falsitate. Et hoc parati sunt verificare per patriam, etc.

Et predictus Thomas dicit quod predicti Lucas et Johannes per hoc excusari non possunt, quia dicit quod predictum statutum per quod asserunt prefatum magistrum Thomam obligatum esse prefato episcopo in mille libris nuncquam fuit factum ipsius magistri Thome. Immo falsum fuit et per eos controfactum, sicut manifeste liquet per datam in statuto illo contentam, et per sigillum eidem appositum: dicit enim quod predictum statutum datum est tempore Regis Edwardi patris, etc., anno regni sui tricesimo quarto, tempore cujus Regis predictus magister Thomas obiit, et sigillum quod eidem apponitur factum est

¹ 'majori et clerico' interlined.

² The same day is given to Thomas the Chaplain, and Luke is committed to the custody of the King's Marshal meanwhile. At which day the sheriff returns that Gerard is not found in his bailiwick. The mayor and clerk of the Oxford registry of mercantile recognizances return that no recognizances have been made before them at Oxford for Walter, bishop of Coventry, etc., during the reigns of either the late or the present King. Therefore the sheriff is again ordered to take John Gerard, and another day is given to the parties. After further adjournments, in the Octaves of Hilary, John Gerard comes of his own free will, and Luke Gerard is brought up in custody. Thomas the Chaplain comes to prosecute for the King. John Gerard, who was vouched to warranty by Luke Gerard, is asked how he came by that suspect bond, and replies that he had it from a certain Nicholas of Lydley dwelling in the county of Salop, who can be found there. Therefore the sheriff is ordered to take him, to have his body before the King in 15 days of Easter to answer with Luke and John. And Thomas the Chaplain says that whether or not John asserts that he had that obligatory letter from Nicholas, he and Luke were consenting to and aiding in the forgery of that letter. And hereupon a day is given to Thomas to the day aforesaid, and Luke and John are committed to the Marshal.

recognizances made to Walter, bishop of Coventry and Lichfield, if any there be, before the mayor of Oxford and the King's clerk of the same town deputed to accept recognizances of debts there as well of the time of the lord Edward the father, etc. as of the time of the now lord King, precept is made to the same mayor and clerk that they send to the King transcripts of all recognizances of this sort made to the before-mentioned Walter for the time aforesaid, distinctly and openly at the term before mentioned, under their seals, etc., in order that after inspection, etc. he may cause to be done what of right, etc. should be done, etc.

At which day the aforesaid Thomas the Chaplain who sues for the lord King and likewise the aforesaid Luke and John, brought by the marshal, come. And the sheriff of Shropshire reported that the aforesaid Nicholas of Lydley, whom the aforesaid John formerly, etc., is dead ; and this same thing is testified in court. And hereupon the aforesaid Luke and John, questioned how they came by the aforesaid suspect 'statute,' etc., say that they had, and bought that same 'statute' from the aforesaid Nicholas at Souldern, as their chattels. So being that they never knew of any counterfeit or falsity. And this they are ready to aver by the country, etc.

And the aforesaid Thomas says that the aforesaid Luke and John cannot be excused by this, because he says that the aforesaid 'statute,' by which they assert that the aforesaid Master Thomas is bound to the before-mentioned bishop in a thousand pounds, never was the deed of him, Master Thomas. Nay, it was false and counterfeited by them as manifestly appears by the date contained in the 'statute' and by the seal affixed to the same : for he says that the aforesaid 'statute' is dated in the time of King Edward the father, etc., in the thirty-fourth year of his reign, in the time of which King Master Thomas died, and the seal that is affixed to the same is made in the

ad similitudinem sigilli Regis nunc usitati apud Oxoniam, pro Statuto Mercatorum, que non concordant, etc. Unde petit iudicium, etc.

Et predicti Lucas et Johannes dicunt, ut prius, quod ipsi emerunt predictum statutum apud Sulthorn', ut predictum est, et quod predictus magister Thomas obiit tempore Regis nunc, etc.; et quod ipsi in nullo sunt culpabiles de controfactione seu falsitate statuti predicti, seu de sigilacione ejusdem per ipsos seu assensu eorum factis, de bono et malo ponunt se super patriam.

Ideo veniat inde jurata coram Rege in Octabis Sancti Johannis Baptiste, ubicumque, etc. Et quia expedit quod major ville Oxonie et clericus, deputati ad recogniciones hujusmodi debitorum, veniant ad diem predictum et ibi habeant sigillum predicti statuti cum folio,¹ etc., ad informandum Regem, etc., preceptum est vicecomiti quod venire faciat eos ad prefatum terminum, etc. Et similiter preceptum est vicecomiti quod scire faciat prefato episcopo quod intersit ad diem, etc., si sibi viderit, etc. Et super hoc venit predictus episcopus in curia hic, etc., et asserit se nichil clamasse per predictum statutum nec in debito in eodem contento, etc.

Postea a die Sancti Michaelis in unum mensem hujus regni Regis nunc tercio-decimo, venerunt tam predictus Thomas le Chapeleyn qui sequitur pro domino Rege quam predictus Lucas et Johannes per marescallum ducti, etc.; et similiter juratores. Et predictus Henricus de Lenne, major Oxonie venit et protulit secum in curia hic sigillum et folium ejusdem sigilli pro Statuto Mercatorum apud Oxoniam deputati. Quibus inspectis in curia hic et examinatis cum sigillo predicti statuti de predictis mille librarum, etc., predicti Lucas et Johannes instanter asserebant se clericos esse et non posse sine ordinariis suis inde respondere, etc. Et ut sciatur pro qualibus debeant ordinariis liberari, inquiratur inde veritas per patriam, etc. Et juratores dicunt super sacramentum suum quod predictus magister Thomas de Abberburia obiit tempore Regis Edwardi patris domini Regis nunc, etc. Et dicunt quod sigillum predicto statuto mille librarum controfactum est ad similitudinem sigilli Regis nunc ibidem deputati. Dicunt eciam quod scriptura ejusdem statuti mille librarum non est de manu clerici ad hujusmodi recogniciones deputati; unde dicunt precise quod predicti Lucas et Johannes, unanimi consensu, falso predictum statutum mille librarum fecerunt et sigillum Regis eidem statuto apposito controfecerunt.

¹ 'predictum . . . folio' interlined in roll and a word expunged before 'folio.'

likeness of the King's seal now used at Oxford, for the Statute of Merchants, which do not agree, etc. Whereupon he demands judgment, etc.

And the aforesaid Luke and John say, as before, that they bought the aforesaid 'statute' at Souldern as is aforesaid, and that the aforesaid Master Thomas died in the time of the King who now is, etc. ; and that they are in nowise culpable in respect of the counterfeiting or falsifying of the 'statute' aforesaid, or of the sealing of the same done by themselves or with their assent ; they put themselves, for good or ill, upon the country.

Therefore let a jury thereon come before the King in the Octaves of S. John the Baptist, wheresoever, etc. And because it is expedient that the mayor of the town of Oxford and the clerk, deputed for recognitions of debts of this sort, do come at the day aforesaid and do have there the seal of the aforesaid statute with the foil, etc. for the King's information, etc. precept is made to the sheriff that he do cause them to come at the before-mentioned term, etc. And likewise precept is made to the sheriff that he is to make the before-mentioned bishop to know that he is to be present at the day, etc. if it seem to him, etc. And hereupon comes the aforesaid bishop in the court here, etc., and asserts that he claims nothing by the aforesaid 'statute,' nor in the debt contained in the same, etc.

Afterwards, in one month of Michaelmas Day, in the thirteenth year of this reign of the now King, came as well the aforesaid Thomas the Chaplain, who sues for the lord King, as the aforesaid Luke and John, brought up by the marshal, etc., and likewise the jurors. And the aforesaid Henry of Lynn, mayor of Oxford, came and proffered with him in court here the seal and foil of the same seal, appointed for the Statute of Merchants at Oxford. And these being inspected in court here and examined with the seal of the aforesaid 'statute' of the aforesaid thousand pounds, etc., the aforesaid Luke and John immediately asserted that they were clerks and not able to answer therefor without their ordinaries, etc. And in order that it may be known for what matters they ought to be delivered to the ordinaries, the truth thereof is to be inquired by the country, etc. And the jurors say upon their oath that the aforesaid master Thomas of Adderbury died in the time of King Edward, father of the now lord King, etc. And they say that the seal to the aforesaid 'statute' of a thousand pounds is counterfeited to the likeness of the King's seal now appointed there. They say also that the writing of the same 'statute' of a thousand pounds is not in the hand of the clerk appointed for recognitions of this kind ; whereupon they say precisely that the aforesaid Luke and John with consent of each other falsely made the aforesaid 'statute' of a thousand pounds and counterfeited the King's seal affixed to the same 'statute.'

Ideo statutum illud adnulletur et pro nullo habeatur, etc. Et quia nullus ordinarius venit ad petendum ipsos, tanquam clericos, etc., idem Lucas et Johannes remittantur prisone in custodia marescalli, periculo quod incumbit custodiendi, quousque, etc. Et preceptum est vicecomiti Oxonie quod capiat in manum Regis omnia bona et catalla terras et tenementa ipsorum, ad quorumcumque, etc. Et de quo terre et tenementa, etc., et per que servicia et de vero valore eorundem, etc. Regem reddat certiore, etc.

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[*Further information having been received as to property held by Luke Gerard in right of his wife in Warwickshire, inquiry is ordered to be made thereof.*]

Postea in crastino Sancti Johannis Baptiste anno regni domini Regis nunc quartodecimo venit predictus Lucas per marescallum, etc., et similiter juratores. Qui dicunt super sacramentum suum quod predictus Lucas desponsavit predictam Isabellam, que fuit uxor Roberti le Deistere de Warrewico, apud Warrewicum, sicut ei imponitur. Ideo idem Lucas remittitur marescallo, etc., quousque, etc.

Postea venit predictus Lucas per marescallum, etc., et allocutus per justiciarios qualiter se velit de controfactione et falsatione sigilli domini Regis de Statuto, etc., acquietare, defendit omnem controfakturam et fals[ificacionem] et quicquid, etc. Et quod in nullo est inde culpabilis, de bono et malo, ponit se super patriam.

Ideo veniat inde jurata coram domino Rege a die Sancti Michaelis in unum mensem, etc. Et qui, etc., quia, etc. Et predictus Lucas interim committatur marescallo, etc.¹

29. ² PLACITA CORAM DOMINO REGE APUD WESTMONASTERIUM DE TERMINO PASCHE ANNO REGNI REGIS EDWARDI FILII REGIS EDWARDI QUARTODECIMO. (1321.)

.

Adhuc de Quindena Pasche.

.

(m. 14.)
Ebor'.

Thomas le Cerf optulit se iiij^{to} die versus Radulphum filium et heredem Willelmi le Cerf de placito quare, cum idem Willelmus le Cerf nuper, dum vixit, concessisset et confirmavit eidem Thome quedam terras et tenementa cum pertinenciis in Catherton'; habenda

¹ For the remarkable sequel to this case, see below, pp. 54-55, in the record of Michaelmas 1 Edward III (Coram Rege Roll 270, m. 7).

² K.B. 27/244.

Therefore that 'statute' is to be annulled and held of no account, etc. And because no ordinary comes to ask for them as clerks, etc., the same Luke and John are to be remitted to prison in the custody of the Marshal to be kept in ward under the penalty that will be incurred until, etc. And precept is made to the sheriff of Oxfordshire that he take into the King's hand all their goods and chattels, lands and tenements, to whose hands, etc. And of whom, the lands and tenements, etc. and by what services, and of the true value of the same, he is to certify the King, etc.

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Afterwards on the morrow of S. John the Baptist, in the 14th year of the reign of the now lord King, the aforesaid Luke comes by the Marshal, etc. and likewise the jurors, who say, upon their oath, that the aforesaid Luke married the aforesaid Isabella, who was the wife of Robert le Deistere of Warwick, at Warwick as is imputed to him. Therefore the same Luke is remitted to the Marshal, etc., until, etc.

Afterwards comes the aforesaid Luke by the Marshal, etc., and asked by the justices in what fashion he wishes to acquit himself of the counterfeiting and falsifying of the seal of the lord King of the Statute, etc., he defends all counterfeiting and falsifying, and whatsoever, etc. And that he is in nowise guilty thereof, for good and ill he puts himself upon the country.

Therefore let a jury come before the lord King in one month from S. Michael's Day, etc. And who, etc.; because, etc. And in the meanwhile the aforesaid Luke is to be committed to the Marshal, etc.

29. PLEAS BEFORE THE LORD KING AT WESTMINSTER OF THE TERM OF EASTER IN THE FOURTEENTH YEAR OF THE REIGN OF KING EDWARD, SON OF KING EDWARD. (1321.)

.

Yet of the Quindisme of Easter.

.

Yorkshire.

Thomas le Cerf offered himself on the 4th day against Ralph, son and heir of William le Cerf, on a plea wherefore, when the same William le Cerf had lately, while he was alive, granted and confirmed to the same Thomas certain lands and tenements with their appurtenances

ad certum terminum annorum ; ac idem Willelmus postmodum, juxta formam Statuti pro mercatoribus editi recognovisset se debere prefato Thome viginti libras sibi, certis terminis, solvendas ; idemque Thomas juxta formam ejusdem Statuti alias viginti libras prefato Willelmo similiter se debere recognovisset, sibi certis terminis solvendas. Et postea inter eos concordatum fuisset quod si prefatus Willelmus ipsum Thomam super terris et tenementis predictis durante termino non impediret, tunc dicta recognicio eidem Thome facta pro nullo penitus haberetur. Et quod si idem Thomas vastum seu distractionem in terris et tenementis illis durante termino predicto non faceret, tunc predicta recognicio dicto Willelmo taliter facta similiter pro nulla haberetur. Et licet post mortem prefati Willelmi inter ipsum Thomam et prefatum Radulphum, communibus amicis intervenientibus ad requisicionem ipsius Radulphi, concordatum fuisset et ordinatum quod idem Thomas redderet eodem Radulpho terras et tenementa predicta ; et quod omnes contractus et omnia scripta obligatoria tam de Statuto Mercatorio quam alia quecumque inter predictos Thomam et Willelmum qualitercumque facta, ex utraque parte, penitus adnullarentur, idemque Thomas terras illas et tenementa eidem Radulpho hujusmodi condicione reddidisset, sicut idem Thomas paratum se asserit racionabiliter edocere, prefatus tamen Radulphus colore scripti obligatorii, deducta recognicione viginti librarum prefato Willelmo per prefatum Thomam facta, quod penes ipsum Radulphum integra remansit, execucionem recognicionis illius tanquam executor testamenti ipsius Willelmi jam prosequitur coram Rege, et terre et tenementa predicti Thome eidem Radulpho ea occasione liberantur, minus juste, in ipsius Thome dispendium non modicum et gravamen et contra concordiam, ordinationem et condicionem supradictas.

Et quia noluit Rex quod eidem Thome injuriatur, etc., preceptum fuit vicecomiti quod distringeret predictum Radulphum, etc. Et vicecomes retornavit quod Willelmus le Cap[per], Willelmus le Mercer, Alanus le Fevre et Willelmus filius Johannis manuceperunt predictum Radulphum ; et sunt exitus j marca ; ideo ipsi in misericordia.¹ Et sicut alias preceptum est vicecomiti quod distringat eum per omnia terras, etc. Et quod de exitibus, etc. Et quod habeat corpus ejus coram Rege a die Sancti Johannis Baptiste in xv. dies, ubicumque, etc.

¹ 'Exitus' in margin with '1 marca misericordia' struck through.

in Catherton, to have for a certain term of years; and the same William afterwards had recognized according to the form of the Statute put forth for Merchants, that he owed to the aforesaid Thomas twenty pounds, to be paid to him at certain terms. And the same Thomas according to the form of the same Statute had recognized that he likewise owed another twenty pounds to the before-mentioned William, to be paid to him at certain terms. And afterwards it had been agreed between them that if the before-mentioned William should not impede him, Thomas, upon the lands and tenements aforesaid during the term, then the said recognizance made to the same Thomas should be held wholly annulled. And that if the same Thomas should not make waste or distrain in those lands and tenements during the term aforesaid, the aforesaid recognizance likewise, made to the before-mentioned William, should likewise be held to be annulled. And although after the death of the before-mentioned William, common friends intervening between him, Thomas, and the before-mentioned Ralph, at the request of him, Ralph, it had been agreed and ordained that the same Thomas should give back to the same Ralph the lands and tenements aforesaid and that all contracts and all writings obligatory, as well of the Statute of Merchants as others whatsoever between the aforesaid Thomas and William in any wise made on both sides, should be utterly annulled, and the same Thomas had given back those lands and tenements to the same Ralph by a condition of this sort, as the same Thomas asserts that he is ready to show reasonably, yet the before-mentioned Ralph by colour of the writing obligatory, denying the recognizance of twenty pounds made to the before-mentioned William by the before-mentioned Thomas, which has remained with him, Ralph, uncanceled, now pursues the execution of that recognizance as executor of the will of him, William, and the lands and tenements of the aforesaid Thomas are delivered on that occasion with less than justice to the same Ralph, to the no small cost and grievance of him, Thomas, and against the concord, ordinance and condition aforesaid.

And because the King did not wish that the same Thomas should be injured, etc. precept was made to the sheriff that he should distrain the aforesaid Ralph, etc. And the sheriff returned that William the Capper, William the Mercer, Alan the Smith and William, son of John, have mainperned the aforesaid Ralph, and the issues are 1 marc; therefore they are in mercy. And precept is made, as at another time, to the sheriff that he distrain him by all his lands, etc. And that of the issues, etc. And that he have his body before the King in 15 days from S. John the Baptist's Day, wheresoever, etc.

30. ¹PLACITA CORAM BARONIBUS DE SCACCARIO DE CRASTINO ET OCTABIS SANCTI HILARII ANNO REGNI REGIS EDWARDI, FILII REGIS EDWARDI, DECIMO NONO—XIX^o. (1326.)

(m. 5.)
Suffolcia.

Preceptum fuit vicecomiti quod per probos et legales homines de balliva sua scire faceret Petro Jernagan quod esset coram Baronibus hic in Octabis Sancti Hilarii nunc ad ostendendum si quid pro se haberet vel dicere sciret quare vil. xs. quos idem Petrus in curia domini Regis nunc coram Baronibus de Scaccario suo, primo die Februarii, anno regni ipsius Regis nunc xvij^o, recognovit se debere Johanni Dosyon mercatori Vasconie, et quos ei solvisse debuit ad Festum Pasche tunc proximo futurum, prout constat per inspectionem rotulorum, etc., et eos ei nondum solvit, ut dicit, de terris et catallis predicti Petri levare et eidem Johanni solvi non deberent. Et vicecomes mandavit quod scire fecit predicto Petro quod esset hic secundum formam brevis, etc., per Johannem le Monney' de Stonham et Willelmum le Monney' de eadem.

Et predictus Petrus per Laurencium de Cavefeld attornatum suum venit et dicit quod predictus Johannes injuste exigit ab eo debitum predictum, quia dicit quod ipse plenarie solvit eidem Johanni predictas sex libras et decem solidos, et inde profert quandam litteram acquietancie, cujus data est apud Horham, die Lune proxima post festum Ascensionis Domini, dicto anno xvij^o; in qua continetur quod dictus Johannes recepit de prefato Petro sex libras et decem solidos de quadam recognitione eidem Johanni per ipsum Petrum hic in Scaccario facta; quam dicit esse factum ipsius Johannis, etc.

Et predictus Johannes, habito visu acquietancie predictae, dicit precise quod non est factum suum. Et hoc petit quod inquiratur, etc. Et prefatus Petrus dicit quod predicta littera acquietancie est factum ipsius Johannis et quod idem Johannes eam fecit die et loco in eadem littera contentis; et hoc petit quod inquiratur, etc. Et predictus Johannes similiter. Ideo datus est dies hic partibus eisdem, a die Pasche in xv. dies. Et preceptum est vicecomiti quod venire faciat xij, etc., de visneto de Horham et visneto propinquiori ubi mercatores alienigene morantur, videlicet sex de mercatoribus de Ducatu Aquitannie et aliis mercatoribus alienigenis, et sex de aliis probis et legalibus hominibus per quos, etc.

¹ E. 13/51.

30. PLEAS BEFORE THE BARONS OF THE EXCHEQUER OF THE MORROW AND OCTAVES OF S. HILARY IN THE NINETEENTH YEAR OF THE REIGN OF KING EDWARD, SON OF KING EDWARD. (1326.)

Suffolk

Precept was made to the sheriff that by good and lawful men of his bailiwick he should make Peter Jernagan to know that he should be before the Barons, here, in the now Octaves of S. Hilary, to show if he had anything for himself or could say anything wherefore 6*l.* 10*s.* which the same Peter in the court of the now lord King, before the Barons of his Exchequer, on the first day of February, in the 17th year of the reign of him the now King, recognized that he owed to John Dosyon, merchant of Gascony, and which he ought to have paid to him at the Feast of Easter then next to come (as appears from an inspection of the rolls, etc.) and has not paid them to him, as it is said, should not be levied from the lands and chattels of the aforesaid Peter and be paid to the same John. And the sheriff sent word that he made the aforesaid Peter to know that he should be here according to the form of the writ, etc. by John le Monney[er] of Stonham and William le Monney[er] of the same.

And the aforesaid Peter by Laurence of Caversfield, his attorney, comes and says that the aforesaid John exacts from him the debt aforesaid unjustly ; because he says that he fully paid to the same John the aforesaid six pounds and ten shillings, and thereof he proffers a certain letter of acquittance, the date of which is at Horham, Monday next after the Feast of the Ascension of Our Lord in the said 17th year ; in which is contained that the said John received from the before-mentioned Peter six pounds and ten shillings in respect of a certain recognizance made to the same John by him, Peter, here in the Exchequer, which he says is the deed of him, John, etc.

And the aforesaid John, after having view of the acquittance aforesaid, says, precisely, that it is not his deed. And he asks this, that it be inquired, etc. And the before-mentioned Peter says that the aforesaid letter of acquittance is the deed of him, John, and that the same John made it at the day and place contained in the same letter. And this he asks, that it be inquired, etc. And the aforesaid John likewise. Therefore a day is given here to the same parties, in 15 days from Easter Day. And precept is made to the sheriff that he make to come 12 etc. of the vicinity of Horham, and from the nearer vicinity where foreign merchants dwell, namely six merchants of the Duchy of Aquitaine and other alien merchants and six of other good and lawful men, by whom, etc.

31. ¹ PLACITA CORAM DOMINO REGE APUD WESTMONASTERIUM DE
TERMINO SANCTI MICHAELIS ANNO REGNI REGIS EDWARDI
FILII REGIS EDWARDI DECIMO NONO. G. LE SCROP. (1325.)

.
Adhuc Michaelis xix^o.—Rex.
.

Placita coram Hervico de Staunton' et sociis suis justiciariis domini
Regis itinerantibus apud Turrim Londonie in crastino Sancti Hil-
larii anno regni Regis Edwardi filii Regis Edwardi quartodecimo.

(m. 29
(Rex)).
London.

Communitas civitatis Londonie summonita fuit ad respondendum
domino Regi de placito quo warranto curie Regis civitatis predictae
tenentur per unum vicecomitem Regis ejusdem civitatis, alternatim per
se, sine aldermannis seu sectatoribus earundem curiarum; et omnia
placita in eisdem tenent.

Et etiam quo warranto major, aldermanni et vicecomites in Hus-
tengo Regis civitatis predictae corrigunt judicia in curiis Regis coram
vicecomitibus Regis civitatis predictae reddita de placitis coram ipsis
agitatis. Et etiam quo warranto extra curiam Regis, in camera
Gildhaule civitatis predictae,² recipiunt recogniciones de debitis a
quibuscumque volentibus ea recognoscere, et execuciones de debitis
illis levandis, si termini solucionis debitorum illorum in recogni-
cionibus illis contenti non fuerint observati, faciunt, et medietatem
tenementorum debitorum illorum creditoribus, si eam petierint (secun-
dum quod fieret in curiis Regis, que recordum habent de debitis in eis
recognitis), liberari faciunt, tenenda nomine liberi tenementi quousque
debita inde levata fuerint, sine licencia Regis vel progenitorum, Regum
Anglie, in prejudicium regie majestatis Regis, etc.

Et communitas venit. Et quo ad primum articulum in predicto
brevi contentum, scilicet de curiis Regis civitatis predictae tenendis per
unum vicecomitem alternatim, etc., dicit quod tempore Regis Ricardi³
consanguinei domini Regis nunc et etiam ante tempus ejusdem Regis
Ricardi, curie Regis civitatis predictae per unum vicecomitem ejusdem
civitatis, alternatim et per se, sine aldermannis seu sectatoribus,
tenebantur de placitis que ad vicecomites pertinent tantum, scilicet, de
convencionibus, debitis, contractibus, transgressionibus et vetito namio
et hujusmodi. Et dicit quod dominus Johannes quondam rex Anglie
proavus domini Regis nunc, postea, quinto die Julii anno regni sui

¹ K.B. 27/262.

² Cf. *Law Merchant*, Vol. II, p. cv, and below, pp. 106 n. and 117 sq.

³ i.e. Rex Alemannie.

31. PLEAS BEFORE THE LORD KING AT WESTMINSTER OF THE TERM OF S. MICHAEL IN THE NINETEENTH YEAR OF THE REIGN OF KING EDWARD, SON OF KING EDWARD. G. LE SCROPE. (1325.)

Yet of S. Michael in the 19th Year.—Crown.

Pleas before Hervey of Staunton and his Fellows, justices itinerant of the Lord King at the Tower of London on the Morrow of S. Hilary in the Fourteenth Year of the Reign of King Edward, son of King Edward.

London.

The community of the city of London was summoned to answer the lord King on a plea by what warrant the King's courts of the city aforesaid are held by one of the King's sheriffs of the same city alternately, by himself, without aldermen or suitors of the same courts; and they hold all pleas in the same.

And also by what warrant the mayor, aldermen and sheriffs in the King's Husting of the city aforesaid correct judgment rendered in the King's courts before the King's sheriffs of the city aforesaid concerning pleas moved before them. And also by what warrant, outside the King's court, in the chamber of the Guildhall of the city aforesaid they receive recognitions of debts from whomsoever wishing to recognize them, and they make executions for levying those debts if the terms of payment of those debts contained in those recognizances have not been observed; and they make delivery of one-half of those debtors' tenements to their creditors, if they shall ask this (according to what should be done in the courts of the King which have records of debts recognized in them); to be held in the name of free tenement until the debts shall have been levied therefrom, without the licence of the King or of his progenitors, Kings of England, in prejudice of the King's majesty, etc.

And the community comes. And as to the first article contained in the aforesaid writ, namely concerning the King's courts of the city aforesaid to be held by one of the sheriffs alternately, etc., it says that in the time of King Richard, cousin of the now lord King, and also before the time of the same King Richard, the King's courts of the city aforesaid were held by one of the sheriffs of the same city alternately and by themselves, without aldermen or suitors, for pleas which belong to the sheriffs, as well, namely, for conventions, debts, contracts, trespasses and dstraint. And they say that lord John, sometime King of England, great-grandfather of the now lord King,

primo, per cartam suam concessit et confirmavit civibus Londonie vicecomitatus Londonie et Middelsexe cum omnibus rebus et consuetudinibus que pertinent ad predictos vicecomites infra civitatem et extra; habenda et tenenda eis et heredibus suis finaliter de ipso domino Rege et heredibus suis; reddendo inde annuatim eidem domino Regi et heredibus suis, trescentas libras sterlingorum blancorum duobus terminis anni, scilicet ad scaccarium Pasche centum et quinquaginta libras; et ad scaccarium Sancti Michaelis centum et quinquaginta libras. Et preterea concessit eisdem civibus quod ipsi de se ipsis faciant vicecomites quoscunque voluerint; et eos amoveant quando voluerint. Et profert cartam Regis Johannis que hoc testatur. Et dicit quod tempore ipsius domini Regis Johannis, et eciam temporibus dominorum regum Anglie eidem Johanni Regi succedencium, curie domini Regis civitatis predictae per unum vicecomitem ejusdem civitatis, alternatim et per se, sine aldermannis seu sectatoribus de placitis predictis hactenus tenebantur, eodem modo quo tempore predicti regis Ricardi et ante tempus ejusdem Regis Ricardi teneri consueverunt.

Et quoad secundum articulum in predicto brevi contentum, scilicet de judiciis coram vicecomitibus redditus in hustengo corrigendis, etc., dicit quod major et aldermanni civitatis predictae hujusmodi judicia, cum error in eisdem inveniatur, auctoritate brevium domini Regis eis inde directorum corrigunt et non auctoritate sua propria.

Et quo ad tercium articulum, scilicet de recognicionibus debitorum recipiendis in camera Gildaule extra curiam, etc., dicit quod camerarius et aldermanni seu unus aldermannorum Londonie et eorum antecessores et predecessores a tempore quo non extat memoria, recipere consueverunt recogniciones de debitis a quibuscunque volentibus ea recognoscere extra curiam hustengi et vicecomitem in camera Gildaule, que est locus ab antiquo tanquam locus curie pro hujusmodi recognicionibus recipiendis deputatus; et execucionem inde facere, et omnia bona et catalla hujusmodi debitorum et medietatem terrarum suarum creditoribus in forma predicta liberare.

Et eo warranto clamat communitas predicta quod curie Regis civitatis predictae per unum vicecomitem, alternatim et per se, sine aldermannis et sectatoribus teneantur, de predictis placitis que ad vicecomites pertinent tantum, et non de aliis placitis. Et eciam quod major et aldermanni civitatis predictae in hustengo Regis civitatis ejusdem judicia coram vicecomitibus reddita, cum error in eisdem inveniatur, auctoritate brevium domini Regis eis inde directorum

afterwards, on the fifth day of July in the first year of his reign, by his charter granted and confirmed the shrievalties of London to the citizens of London and Middlesex, with all things and customs which pertain to the aforesaid sheriffs within the city and without: to have and to hold to them and their heirs [firmly] from him the lord King and his heirs, paying therefor yearly to the same lord king and his heirs three hundred pounds sterling blanchéd at two terms of the year, namely at the Exchequer of Easter, one hundred and fifty pounds; and at the Exchequer of S. Michael, one hundred and fifty pounds. And, moreover, he granted to the same citizens that they may make sheriffs from among themselves, whomsoever they shall wish; and they may remove them whenever they shall wish. And they proffer a charter of King John which attests this. And they say that in the time of him the lord King John and also in the times of the lord Kings of England succeeding the same John the King, the courts of the lord King of the city aforesaid were hitherto held by one of the sheriffs, alternately and by himself, without aldermen or suitors of the pleas aforesaid, in the same manner as they were wont to be held in the time of the aforesaid King Richard and before the time of the same King Richard.

And as to the second article contained in the aforesaid writ, namely, concerning the correcting of judgments rendered before the sheriffs in the Husting, etc., they say that the mayor and aldermen of the city aforesaid correct judgments of this sort, when error be found in the same, on the authority of writs of the lord King directed to them therein on their own proper authority.

And as to the third article, namely, concerning receiving recognitions of debts in the chamber of the Guildhall outside the court, etc., they say that the chamberlain and aldermen, or one of the aldermen of London and their ancestors and predecessors, from a time whereof memory does not survive; have been used to receive recognitions of debts from any one wishing to recognize them, outside the court of the Husting and of the sheriffs in the chamber of the Guildhall, which is the place of old appointed, as it were, for a court to receive recognitions of this sort; and to make execution thereof, and to deliver all the goods and chattels of debtors of this sort and the half of their lands to creditors in the form aforesaid.

And by that warrant the community aforesaid claims that the King's courts of the city aforesaid are held by one of the sheriffs alternately and by himself, without aldermen and suitors, for the aforesaid pleas which belong to the sheriffs only and not for other pleas. And also that the mayor and aldermen of the city aforesaid in the King's Husting of the same city by the authority of writs of the lord King directed to them thereof, may correct judgments rendered before

corrigant, ut predictum est. Et eciam quod ipsi in camera Gildaule predicta recipiant recogniciones debitorum et execucionem inde faciant in forma predicta, etc.

Et datus est eis dies coram consilio Regis apud Westmonasterium, a die Sancti Michaelis in xv. dies, etc., pretextu cujusdam brevis alibi inter recorda Londonie irrotulati in rotulo placitorum de hoc termino Sancti Michaelis anno xix^o. Et predictum recordum post liberatum fuit coram Rege hic, per Willelmum de Airemynn clericum ; scilicet a die Pasche in unum mensem anno regni Regis nunc quinto-decimo, unacum brevi domini Regis alibi inter Recorda tangencia majorem et communitatem in rotulo de hoc termino Sancti Michaelis nunc irrotulato de procedendo in predicto placito, etc.

Ad quem mensem Pasche, scilicet anno quinto-decimo, venit Adam de Fincham qui sequitur pro domino Rege et similiter predicti major et communitas per Willelmum de Burgh attornatum suum. Et deinde datus est eis dies coram Rege in Octabis Sancti Hilarii.¹

32. ² PLACITA CORAM DOMINO REGI APUD WARREWYK' DE TERMINO PASCHE ANNO REGNI REGIS EDWARDI FILII REGIS EDWARDI DECIMO NONO. G. LE SCROPE. (1326.)

.

Adhuc de Quindena Pasche.

.

(m. 14.)
Lincoln.

Cum nuper vicecomiti, sicut pluries precepit Rex quod corpus Rogeri de Boselyngthorp' civis et mercatoris Lincolnie, si laicus esset et inventus fuisset in balliva sua, caperet et in prisona Regis salvo custodiret quousque Andreo de Norton, quondam servienti Stephano de Stanham, plene satisfecisset de viginti et una libris quas idem Rogerus coram Alexandro filio Johannis filii Martini, dudum majore civitatis predicte et Adam³ filio Martini, tunc clerico Regis, ad recogniciones debitorum apud Lincolniam accipiendas deputatis, recognovit se debere prefato Andre ; unde ei solvisse debuit ad festum Pasche anno regni domini Edwardi Regis, patris Regis nunc tricesimo quinto, undecim libras ; et in festo Sancti Michaelis tunc proximo sequente, centum solidos ; ac ad festum Pasche tunc proximo sequens centum solidos ; et eas ei nondum solvit, ut dicitur. Ita quod idem Rogerus per unum quartarium anni, a tempore quo captus esset, viveret in prisona Regis de suo proprio, et haberet omnia bona et catalla, terras et

¹ Then adjourned to Easter and then to Trinity and then to Michaelmas.

² K.B. 27/264. For the formula cf. No. 34.

³ Sic.

the sheriffs, when error be found in the same, as is aforesaid. And also that they themselves in the chamber of the Guildhall aforesaid, may receive recognitions of debtors and make execution thereof in the form aforesaid, etc.

And a day is given to them before the Council of the King at Westminster in 15 days of S. Michael, etc. by pretext of a certain writ enrolled elsewhere, among the records of London, in the roll of Pleas of this term of S. Michael in the 19th year. And the aforesaid record was afterwards delivered before the King, here, by William de Airemynn, clerk; namely in one month of Easter Day in the 15th year of the now King, together with the writ of the lord King elsewhere among the 'Records' touching the mayor and community in the roll of this term of S. Michael now enrolled, concerning proceeding in the aforesaid plea, etc.

At which month, namely in the 15th year, comes Adam of Fincham, who sues for the lord King, and likewise the aforesaid mayor and community by William de Burgh, their attorney. And thence a day is given to them before the King in the Octaves of S. Hilary.

32. PLEAS BEFORE THE LORD KING AT WARWICK, OF THE TERM OF EASTER IN THE NINETEENTH YEAR OF THE REIGN OF KING EDWARD, SON OF KING EDWARD. G. LE SCROPE. (1326.)

Yet of the Quindisme of Easter.

Whereas the King lately made precept to the sheriff, as oft-times, that he should take the body of Roger of Buslingthorpe, citizen and merchant of Lincoln, if he were a layman and found in his bailiwick, and keep him safely in the King's prison until he should have fully satisfied Andrew of Norton, sometime servant to Stephen of Stanham, in respect of twenty-one pounds, which the same Roger before Alexander, son of John, son of Martin, and Adam, son of Martin [*then mayor and clerk*], appointed to take recognitions of debts at Lincoln, recognized that he owed to the before-mentioned Andrew; whereof he should have paid to him at the Feast of Easter in the thirty-fifth year of the reign of Lord Edward the King, father of the King who now is, eleven pounds; and in the Feast of S. Michael then next following, one hundred shillings; and at the Feast of Easter thence next following, one hundred shillings, and has not paid them to him, as it is said. So that the same Roger during one quarter of the year, from the time when he was taken, should live in the King's prison of his own and should have all his goods and chattels,

tenementa sua eo tempore deliberata; ut per se et suos, prout sibi viderit expedire, interim prefato Andree satisfacere posset de debito predicto, si voluisset, competenter.

Et si predictus Rogerus infra quarterium illud predicto Andree de debito predicto non satisfacisset, tunc omnia bona et catalla et eciam omnes terras et tenementa que idem Rogerus habuit in balliva sua die quo prefato Andree predictum debitum recognovit, videlicet die Veneris proxima post festum Sancte Fidis Virginis, anno regni ejusdem patris Regis nunc tricesimo quarto, ad quorumcumque manus in balliva sua devenissent, nisi alicui heredi infra etatem existenti per descensum hereditarie descendissent, eidem Andree sine dilacione liberari¹ faceret, per rationabile precium et extentam, tenenda ut liberum tenementum, sibi et assignatis suis, juxta formam Statuti de communi consilio regni nostri inde provisi, quousque predictum debitum plenarie inde levasset. Ita quod idem Rogerus post dictum quarterium anni, postquam captus fuisset, in prisona Regis viveret in pane et aqua ad custagium ipsius Andree. Et si predictus Rogerus in balliva sua predicta [inventus] non fuisset vel clericus esset, tunc omnia bona et catalla et eciam omnia terras et tenementa que idem Rogerus habuit in balliva sua die recognitionis predictae eidem Andree sine dilacione liberari faciat, tenenda ut liberum tenementum suum in forma predicta. Salvis semper eidem Andree dampnis et custagiis suis racionalibus, ut in laboribus, sectis, dilacionibus, et expensis.

Et qualiter hoc preceptum Regis esset executus, scire faceret Regi a die Pasche in xv. dies, ubicumque tunc esset in Anglia. Et sciat quod si predictus Rogerus, postquam ipsum ceperit a prisona Regis, evaderet, oporteret se de corpore vel de debito predicto respondere, etc.

Et vicecomes retornavit quod breve ádeo tarde, etc. Ideo, sicut pluries, fiat ei breve, etc., per Statutum. Et qualiter, etc., scire faceret Regi in Octabis Sancti Michaelis ubicumque, etc.

¹ This word is sometimes extended as 'liberare' in the rolls.

lands and tenements delivered at that time ; that by himself and his friends, as might seem expedient to them, he should be able to satisfy the aforesaid Andrew competently in the meantime, in respect of the debt aforesaid, if he should wish.

And if the aforesaid Roger within that quarter should not have satisfied the aforesaid Andrew in respect of the debt aforesaid, then he should cause to be delivered to the same Andrew without delay all the goods and chattels, and also all the lands and tenements which the same Roger had in his bailiwick on the day on which he recognized the aforesaid debt to the before-mentioned Andrew (namely on Friday next after the Feast of S. Faith the Virgin in the thirty-fourth year of the reign of the same now King the father ; to whosoever hands they should have come in his bailiwick, unless they should have descended to any heir, being within age, by hereditary descent) by reasonable price and extent, to be held as a free tenement to him and his assigns, according to the form of the Statute provided thereon by the common counsel of our realm, until he had fully levied therefrom the aforesaid debt. So that the same Roger after the said quarter of a year after he had been taken should live in the King's prison on bread and water at the cost of him, Andrew. And if the aforesaid Roger should not have been found in his bailiwick, or should be a clerk, then he is to cause all the goods and chattels and also all the lands and tenements which the same Roger had in his bailiwick on the day of the recognition aforesaid to be delivered without delay to the same Andrew, to be held as his free tenement in the form aforesaid. Saving always to the same Andrew his reasonable damages and costs as in labours, suits, delays and expenses.

And he was to make the King to know how he had executed this the King's precept in 15 days of Easter Day, wheresoever he should then be in England. And he is to know that if the aforesaid Roger, after he shall have taken him from the King's prison, should escape, he would have to answer himself for the body or for the debt aforesaid, etc.

And the sheriff returned that the writ came so late, etc. Therefore, as oft-times, let a writ be made to him, etc. by the Statute. And in what manner, etc. he should make the King to know in the Octaves of S. Michael, wheresoever, etc.

33. ¹ PLACITA CORAM DOMINO REGE APUD EBORACUM DE TERMINO SANCTI MICHAELIS, ANNO REGNI REGIS EDWARDI, TERCII POST CONQUESTOREM ² PRIMO—G. LE SCROPE. (1327.)

Adhuc de Octabis Sancti Michaelis—Rex (1327).

(m.7, Rex)
Oxon'.
Warr'.

Preceptum fuit vicecomiti, sicut pluries quod caperet Lucam Gerard, si inventus, etc., et salvo, etc. Ita quod haberet corpus eius coram Rege ad hunc diem, scilicet in Octabis Sancti Michaelis, ubicumque, etc., ad respondendum domino Rege de falsacione cujusdam statuti mille librarum sub nomine magistri Thome de Abberburi facti, et sigillo domini Edwardi nuper Regis Anglie, patris domini Regis nunc, pro recognicionibus mercatorum apud Oxoniam deputato, controfacto eidem statuto appposito, et in custodia ipsius Luce invento, unde rectatus est, sicut Rege constat per inspectionem rotulorum dicti Patris, etc. Et vicecomes nichil inde fecit, nec breve, etc.

Et modo venit predictus Lucas per Marescallum, scilicet Robertum de Dumbelton, ductus, etc., in cujus custodia idem Lucas alias, scilicet tempore domini Edwardi nuper Regis Anglie patris, etc., extitit commissus, occasione predicta, etc., et idem Marescallus testatur quod predictus Lucas semper continue in prisa Regis Marescallie in custodia sua extitit, etc., a tempore quo ei liberatus fuit hic in Curia, etc. Et super hoc idem Lucas dicit quod dominus Rex nunc perdonavit ei sectam pacis sue pro quibuscumque feloniis et transgressionibus ante coronacionem suam perpetratis, et firmam pacem suam inde ei concessit per litteras ipsius domini Regis patentes quas profert in hec verba :

Edwardus Dei gracia, etc., omnibus ballivis [*etc.*] et fidelibus nostris ad quos presentes litere pervenerint ; sciatis quod, de gracia nostra speciali perdonavimus Luce Gerard de Bannebury sectam pacis nostre que ad nos pertinet pro homicidiis, feloniis roberiis latroniis et transgressionibus quibuscumque per ipsum, in regno nostro, contra pacem domini Edwardi, nuper Regis Anglie, patris nostri, ante coronacionem nostram perpetratis ; unde indictatus, rectatus seu appellatus existit ; et eciam utlagarias, si que in ipsum hiis occasionibus fuerint promulgate ; et firmam pacem nostram ei inde concedimus. Ita, tamen, quod proficiscatur in obsequium nostrum contra Scotos, inimicos et rebelles nostros, ad eorum maliciam cum Dei adjutorio reprimendam. Et

¹ K.B. 27/270. Cf. above, No. 28.

² Sic.

33. PLEAS BEFORE THE LORD KING AT YORK OF THE TERM OF S. MICHAEL IN THE FIRST YEAR OF THE REIGN OF KING EDWARD, THE THIRD AFTER THE CONQUEROR.—G. LE SCROPE. (1327.)

Yet of the Octaves of S. Michael—Crown.

Oxfordshire.
Warwick-
shire.

Precept was made to the sheriff, as oft-times, that he should take Luke Gerard, if he should be found, etc., and safely, etc. So that he should have his body before the King at this day, namely in the Octaves of S. Michael, wheresoever, etc., to answer to the Lord King concerning the falsification of a certain 'statute' of a thousand pounds made under the name of master Thomas of Adderbury, and with the counterfeit seal of the lord Edward, late King of England, father of the now lord King, appointed for recognitions of merchants at Oxford, affixed to the same 'statute,' and found in the custody of him, Luke, whereof he was put on his trial, as is evident to the King from inspection of the rolls of the said Father, etc. And the sheriff did nothing therein nor [sent] the writ, etc.

And now comes the aforesaid Luke brought up by the Marshal, namely, Robert of Dumbleton, in whose custody the same Luke was committed at another time, namely, in the time of the lord Edward, late King of England, the father, etc., on the occasion aforesaid etc., and the same Marshal testifies that the aforesaid Luke has been always continuously in the King's prison of the Marshalsea in his custody, etc., from the time when he was delivered to him in the court here, etc. And hereupon the same Luke says that the lord King has now pardoned him the suit of his peace for all manner of felonies and trespasses perpetrated before his coronation and has granted to him his firm peace thereof by the letters patent of the lord King himself which he proffers in these words :

Edward by the grace of God, etc. to all bailiffs [*etc.*] and to our faithful subjects to whom the present letters shall come ; know ye that of our special grace we have pardoned Luke Gerard of Banbury the suit of our peace which pertains to us for homicides, felonies, robberies, larcenies and trespasses whatsoever by him in our kingdom perpetrated against the peace of the lord Edward, late King of England, our father before our coronation, whereof he stands indicted [*rectatus*] or appealed of ; and also the outlawries, if any shall have been promulgated against him on these occasions, and we have granted our firm peace to him thereof. So, however, that he do set out in our service against the Scots our enemies and rebels, to repress their malice with the help of God. And

postea stet recto in curia nostro, si qui versus eum loqui voluerint de homicidiis [etc.] predictis. In cujus rei testimonium, etc. Teste me ipso apud Eboracum, duodecimo die Junii, anno regni nostri primo.

Quibus inspectis, videtur curie quod predicta controfactio et falsacio statuti predicti nichil aliud potest dici quam felonia; et dominus Rex perdonavit prefato Luce sectam pacis sue de quibuscumque feloniiis et transgressionibus, ut predictum est, nec aliqua alia secta inde habetur versus ipsum Lucam quam secta Regis, etc. Ideo consideratum est quod predictus Lucas eat inde sine die, etc.

34. ¹ PLACITA CORAM DOMINO REGE APUD EBORACUM DE TERMINO SANCTI MICHAELIS ANNO REGNI REGIS EDWARDI TERCII POST CONQUESTOREM PRIMO—G. LE SCROPE. (1327.)

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Adhuc de Quindena Sancti Michaelis—G. le Scrope.

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(m. 100.)
Berks.

Preceptum fuit vicecomiti quod corpus Thome Chaunterel de West Wyttenham, de comitatu Berks, mercatoris, si laicus esset et inventus fuerit, etc., capiatur et in prisiona, etc., salvo custodiri faceret, donec Ricardo de Røthing, civi, vinitario et mercatori Londonie plene satisfecisset de quadraginta et octo marcis quas idem Thomas coram Hamone de Chiggewell, nuper majore Londonie, et Willelmo de Hedersete, clerico, ad recogniciones debitorum apud Londoniam accipiendas deputatis, in presencia Henrici de Gisors [*and three other witnesses*] recognovit se debere predicto Ricardo et quas ei solvere debuit ad festum Sancti Michaelis arcangeli, anno regni domini Edwardi nuper regis Anglie, patris Regis nunc vicesimo, et eas nondum solvit, ut dicitur. Ita quod idem Thomas per unum quarterium anni a tempore, etc., viveret in prisiona de suo proprio; et haberet omnia bona et catalla, terras et tenementa sua eo tempore deliberata, ut per se et suos, prout, etc. interim predicto Ricardo satisfacere posset de debito predicto, si voluerit, competenter. Et si idem Thomas infra quarterium illud, etc., non satisfecerit, etc., tunc omnia bona et catalla, terras et tenementa que predictus Thomas habuit die quo, etc., nisi alicui heredi, etc., eidem Ricardo sine dilacione per rationabile precium, etc., liberari faceret, tenenda ut liberum tenementum, etc., juxta formam, etc.,

¹ K.B. 27/270.

afterwards he is to stand to be arighted in our court if any wish to speak against him in respect of the homicides [*etc.*] aforesaid. In witness whereof, etc. Witness myself at York, the twelfth day of June, in the first year of our reign.

After inspecting which letters, it seems to the court that the aforesaid counterfeiting and falsifying of the statute aforesaid can be called nothing else than felony ; and the lord King has pardoned the before-mentioned Luke the suit of his peace in respect of all manner of felonies and trespasses as is aforesaid, nor is any other suit thereof held against him, Luke, than the suit of the King, etc. Therefore it is awarded that the aforesaid Luke go thereof without day, etc.

34. PLEAS BEFORE THE LORD KING AT YORK OF THE TERM OF S. MICHAEL IN THE FIRST YEAR OF THE REIGN OF KING EDWARD, THE THIRD AFTER THE CONQUEROR—G. LE SCROPE. (1327.)

Yet of the Quindisme of S. Michael—G. le Scrope.

Berkshire.

Precept was made to the sheriff that the body of Thomas Chaunterel of West Wittenham, of the county of Berks, merchant, if he were a layman and found, etc., is to be taken and that he should cause him to be safely guarded in prison, etc. until he should have fully satisfied Richard of Roothing, citizen, vintner and merchant of London, in respect of forty and eight marcs which the same Thomas before Hamo of Chigwell (late mayor of London, and William of Hethersett, clerk, appointed to take the recognitions of debtors at London), in the presence of Henry of Gisors [*and three other witnesses*], recognized that he owed to the aforesaid Richard, and which he ought to have paid to him at the Feast of S. Michael the Archangel, in the twentieth year of the reign of the lord Edward, late King of England, and has not yet paid them, as it is said. So that the same Thomas during one quarter of the year from the time, etc. should live in prison of his own ; and he should have all his goods and chattels, lands and tenements delivered for that time ; so that by himself and his friends, as, etc., he might be able, in the meantime, to satisfy the aforesaid Richard in respect of the debt aforesaid, with competence, if he should wish. And if the same Thomas within that quarter, etc. shall not have satisfied, etc., then he [the sheriff] should cause to be delivered to the same Richard all the goods and chattels, lands and tenements which the aforesaid Thomas had on the day on which, etc. (unless to some heir, etc.), without delay, by a reasonable price, etc., to be held as free tenement, etc., according to the form, etc.,

quousque, etc. Ita tamen quod predictus Thomas post predictum quarterium, etc., a tempore, etc., in prisiona, etc., viveret in pane, etc., ad custagia.¹ Et si predictus Thomas in ballia sua inventus non fuisset, vel clericus esset, tunc omnia bona et catalla, terras, et tenementa que predictus Thomas habuit in balliva sua die recognicionis predicta eidem Ricardo sine dilacione liberari faceret, tenenda, etc. Salvis semper, etc. Et qualiter, etc., scire faceret Regi hic ad hunc diem, scilicet in Octabis Sancti Michaelis.

Et vicecomes retornavit quod predictus Thomas non est inventus in balliva sua, etc., et quod idem Thomas nulla habuit bona seu catalla, etc.; set quod terre et tenementa predicti Thome, que extenduntur per annum ad septem libras, decem et novem solidos et decem denarios eidem Regi liberari fecit, tenenda juxta formam statuti predicti quousque, etc. Ideo predictae terre et tenementa remaneant predicto Ricardo tenenda in forma predicta, quousque, etc.

Et preceptum est vicecomiti quod capiat predictum Thomam si, etc. Et salvo, etc., quousque, etc. Et qualiter, etc., scire faciat Regi a die Pasche in xv. dies, ubicumque, etc.

² Postea ad predictam Quindenam Pasche venit predictus Thomas Chaunterel et dicit quod postquam idem Thomas predictam recognicionem eidem Ricardo fecerat, juxta formam Statuti Mercatorii, in forma predicta, idem Ricardus per scriptum suum inter eos indentatum concessit quod si predictus Thomas, vel aliquis alius pro ipso, ad predictum festum Sancti Michaelis anno regni Regis Edwardi, patris Regis nunc, decimo nono solverit predicto Ricardo, vel paratus fuerit solvere, novem libras, quod predicta recognicio predictarum quadraginta et octo marcarum pro nulla haberetur; nec idem Ricardus virtute recognicionis predictae quicquam ultra predictas novem libras exigere posset. Et dicit quod ipse in predicto festo Sancti Michaelis accessit apud Londoniam et in warda de Chepe, prope conductum ³ Londonie, optulit eidem Ricardo predictas novem libras in presencia Johannis de Wyke [*and another witness*], quas quidem novem libras idem Ricardus ab eo recipere recusavit. Et profert partem cujusdam indenture sub sigillo ipsius Ricardi que concessionem predictam testatur in forma predicta. Cujus quidem indenture tenor talis est:

Cest endenture tesmoigne qe come Thomas Chaunterel de West Wittenham del Counte de Berk' soit oblige a Richard de Rothyng, par sa réconusaunce, fait devaunt Hamund de Chikwell, meyr de London,

¹ Sic. For the formula, *cf.* No. 32.

² On a schedule (in another hand) sewn to this membrane.

³ The Conduits in Cheapside.

until, etc. So, however, that the aforesaid Thomas after the aforesaid quarter, etc., for the time, etc., in prison, etc. should live on bread, etc. at the costs, [etc.] And if the aforesaid Thomas should not have been found in his bailiwick, or should be a clerk, then he should cause all the goods and chattels, lands and tenements which the aforesaid Thomas had in his bailiwick on the day of the aforesaid recognition to be delivered to the same Richard, without delay, to be held, etc. Saving always, etc. And how, etc. he should make the King to know here at this day, namely in the Octaves of St. Michael.

And the sheriff returned that the aforesaid Thomas is not found in his bailiwick, etc. and that the same Thomas had no goods or chattels, etc. ; but he has caused to be delivered to the King the lands and tenements of the aforesaid Thomas, which are extended by the year at seven pounds, nineteen shillings and tenpence, to be held according to the form of the Statute aforesaid, until etc. Therefore the aforesaid lands and tenements are to remain to the aforesaid Richard, to be held in form aforesaid until, etc.

And precept is made to the sheriff that he take the aforesaid Thomas, if, etc., and safely, etc., until, etc. And in what manner, etc., he is to make the King to know, in 15 days from Easter Day, wheresoever, etc.

Afterwards, at the aforesaid Quindisme of Easter, comes the aforesaid Thomas Chaunterel and says that after the same Thomas had made the aforesaid recognition to the same Richard, according to the form of the Statute of Merchants, in the form aforesaid, the same Richard by his writing indented between them granted that if the aforesaid Thomas, or any other for him, at the aforesaid Feast of S. Michael in the nineteenth year of King Edward father of the now King, shall pay to the aforesaid Richard or be prepared to pay, nine pounds, that the aforesaid recognizance of the aforesaid forty and eight marcs should be held for nothing ; nor should the same Richard by virtue of the recognizance aforesaid be able to exact anything beyond the aforesaid nine pounds. And he says that he himself in the aforesaid Feast of S. Michael came to London and in the ward of Cheap, near the Conduit of London, offered to the same Richard the aforesaid nine pounds in the presence of John of Wick [*and another witness*], which nine pounds indeed the same Richard refused to receive from him. And he proffers the part of the same indenture under the seal of him, Richard, which testifies the grant aforesaid in the form aforesaid. The tenor of which indenture, indeed, is such :

This indenture witnesses that whereas Thomas Chaunterel of West Wittenham of the county of Berkshire is bound to Richard of Roothing (by his recognizance, made before Hamond of Chigwell, mayor of

et William de Hedersete, clerk, de receyvre les reconusaunz de dettes en la cite de London assignez, en xxxij livres de argent ; a payer a la feste de Seynt Michel Arcaungel procheyn a venior si come en la dite reconusaunz plus pleynement est contenuz, le dist Richard voet et graunte qe, si le dist Thomas, ou autre pur luy, paye au dist Richard ou a son assigne, ou soit prest a payer, ix livres de argent en London a la dist Feste de Seynt Michel, la dite reconusaunz de xxxij livres soit apres voide et pur nule tenue ; issint qe par vertue de cele reconusaunz ne puse outre les ix livres plus chalenger ne demaunder. En tesmoign-aunce de queux choses les avaunditz Richard et Thomas a cestes endentours enterchaungablement ount mys leur seals.

A West Wittenham, le Lundy procheyn avaunt la Fest Seynt Johan le Baptist, l'an du regne le Roi Edward, fitz le Roi Edward, vintisme.

Et petit breve de *venire faciendo* predictum Ricardum ad respondendum predicto Thome in premissis et ad cognoscendum vel dedicendum scriptum suum predictum, etc. Ideo preceptum est vicecomiti quod venire faciat coram Rege in Octabis Sancti Johannis Baptiste, ubicumque, etc., ad respondendum, etc.

35. ¹ PLACITA IN CANCELLARIA IN QUINDENA PURIFICACIONIS BEATE MARIE, ANNO REGNI REGIS EDWARDI TERCII POST CONQUESTUM SECUNDO. (1328.)

² A nostre seignur le Roi e a son conseil mustre Michiel de Meledon' qe com il estoit priz et emprisone el Chastel de Tuteburye et de illoques mene a Euerwyk et illoques detenu en prison par deus aus noefs simeins mems et peus nostre seignur le Roi, pere nostre seignur le Roi qore est, dona le dit Michiel ove ses terres et tenementz al Evesqe de Excestre a fere de eus ceo qe lui plust ; et le dit Michiel ne poeit autre grace avoir del dit Evesqe forqe faire une fin deus cent marcs, des queus deus cent marcs . . . meismes cesti Michiel feist une reconiceance en Chancelerie, a paier as certains termes, de queu summe sont paez cent et vint et cynk marcs, par qei le dit Michiel prie a nostre seigneur le Roi et a soen conseil qe cele reconiceance soit retrete et le remenant del paiement lui soit pardone de si com il estoit en la querele le Conte de Lancastre et par nul autre cause feist cele reconiceance.

[*Indorsed*] Soit eide par le Statut ³[que] est ordeyne en semblable cas.

Edwardus Dei Gracia Rex Anglie Dominus Hibernie et Dux Aquitanie vicecomiti Devon' salutem. Cum Michaelis de Meldon, persona

¹ Chancery Common Law Pleadings, File 1, No. 3 (2).

² The normal procedure in the Chancery is seen in this case. For its political and economic interest, see Introduction, pp. xlvi, xlix. For the sequel, see p. 108.

³ Stat. 1 Edw. III (i) c. 3.

London, and William of Hethersett, clerk, assigned to receive the recognizances of debts in the city of London) in 32*l.* of money ; to be paid at the Feast of S. Michael the Archangel next to come, as in the said recognizance is more plainly contained, the said Richard wills and grants that, if the said Thomas or another for him, do pay to the said Richard or to his assign, or is ready to pay 9*l.* in money in London at the said Feast of S. Michael, the said recognizance of 32*l.* be after void and held for nothing : so that by virtue of this recognizance he cannot claim or demand anything beyond the 9*l.* In witness of which things the aforesaid Richard and Thomas have set their seals to these indentures interchangeably.

At West Wittenham, the Monday before the Feast of S. John the Baptist in the twentieth year of the reign of King Edward, son of King Edward.

And he asks a writ to make the aforesaid Richard to come to answer to the aforesaid Thomas in the premises, and to acknowledge or deny his writing aforesaid, etc. Therefore precept is made to the sheriff that he cause to come before the King in the Octaves of S. John the Baptist, wheresoever, etc. to answer, etc.

35. PLEAS IN THE CHANCERY IN THE QUINDISME OF THE PURIFICATION OF THE BLESSED MARY, IN THE SECOND YEAR OF THE REIGN OF KING EDWARD, THE THIRD AFTER THE CONQUEST. (1328.)

To our lord the King and to his Council showeth Michael of Meldon that whereas he was taken and imprisoned in the castle of Tutbury and thence taken to York and there detained in prison for ten or nine weeks [at least] and then our Lord the King, father of our lord the King that now is, gave the said Michael with his lands and tenements, to the bishop of Exeter, to do with them that which should please him. And the said Michael could have no other grace of the said bishop save to make a fine of two hundred marcs, for which two hundred marcs this same Michael made a recognizance in Chancery to pay at certain terms ; of which sum are paid one hundred and twenty-five marcs ; wherefore the said Michael prays our lord the King and his council that this recognizance may be withdrawn and that the remnant of the payment may be pardoned to him, inasmuch as he had part in the quarrel of the Earl of Lancaster, and for no other cause made that recognizance.

[*Indorsed*] Let him be aided by the Statute which is ordained for such like cases.

Edward by the grace of God King of England, Lord of Ireland, and Duke of Aquitaine, to the Sheriff of Devon, greeting. Whereas Michael

ecclesio de Camshale, Eboracensis diocesis, decimo-nono die Novembris anno regni domini Edwardi nuper Regis Anglie, patris nostri, decimo septimo, in Cancellaria sua,¹ recognoverit se debere Waltero Exoniensi episcopo, jam defuncto, ducentas marcas, ei ad certos terminos solvendas, ac prefatus Michaelis in Cancellaria nostra personaliter constitutus asseruerit quod predictus pater noster predictum Michaelem, eo quod de querela Thome tunc comitis Lancastrie, f[ecit c]api et in prisona sua detineri, ac terras et tenementa, bona et catalla sua ea occasione in manum suam tanquam sibi forisfacta seisiri fecit, ipsum que Michaelem ac terras et tenementa sua predicta prefato episcopo dedit ; et quod idem Michael pro deliberacione sua ac terrarum et tenementorum suorum predictorum habenda fecit recognicionem supradictam, et nobis supplicaverit ut eam juxta formam statuti in ultimo Parlamento nostro apud Westmonasterium convocato de assensu prelatorum comitum baronum et communitatis regni nostri ibidem existencium facti, cancellari et adnullari faciamus.

Nos volentes fieri quod justum fuerit in hac parte, tibi precipimus, sicut alias precepimus, quod scire facias magistro Ricardo de Colaton', Thome de Stapeldon, Ricardo de Stapeldon', Ricardo de Braylegh', Roberto de Tanton' et Thome de Heannton executoribus testamenti predicti Episcopi, quod sint in Cancellaria nostra in Quindena Purificacionis Beate Marie proxima futura, ubicumque tunc fuerit ; quem diem prefato Michaeli dedimus ibidem ad ostendendum si quid pro se habeat² vel dicere sciat³ quare recognicio predicta cancellari et adnullari non debeat juxta formam statuti predicti ; vel causam nobis significes quare mandatum nostrum, alias tibi inde directum, exequi noluisti vel non potuisti. Et habeas ibi nomina illorum per quos eis scire feceris et hoc breve. Teste me ipso apud Eboracum, xxvij die Januarii, anno regni nostri secundo.

[*Indorsed*] Scire feci Magistro Ricardo de Coleton, Thome de Stapeldon et aliis in brevi nominatis, executoribus testamenti Walteri Episcopi Exoniensis defuncti, quod sint in Cancellaria domini Regis ad diem in brevi contentum, ad ostendendum si quid pro se habeant vel dicere sciant quare recognicio de marcarum per Michaelem de Meldon, personam ecclesie de Camsale, in dicta Cancellaria eidem episcopo facta cancellari et adnullari non debeat. Per Willelmum fiz Henri de Stontorre [*and three others*].

Ad quem diem predicti executores vocati, et non venerunt.

¹ See below, Appendix, p. 108.

² 'habeant' in roll.

³ 'sciant' in roll.

of Meldon, parson of the church of Campsall, in the diocese of York on the nineteenth day of November, in the 17th year of the reign of the lord Edward, late King of England, our Father, did recognizance in his Chancery that he owed to Walter, bishop of Exeter, now deceased, two hundred marcs, to be paid to him at certain terms, and the before-mentioned Michael in our Chancery personally appearing did assert that our aforesaid father caused the aforesaid Michael to be taken as being in the quarrel of Thomas, then Earl of Lancaster, and to be detained in prison, and caused his lands and tenements, goods and chattels on that occasion to be seized into his hand as forfeited to him, and gave him, Michael, and his lands and tenements aforesaid to the before-mentioned bishop; and that the same Michael to have deliverance for himself and of his lands and tenements aforesaid made the above-said recognizance, and has supplicated us that we may cause it to be cancelled and annulled according to the form of the Statute made in our last Parliament convoked at Westminster with the assent of the prelates, earls, barons and community of our realm there assembled.

We willing what seems just to be done herein order thee, as at another time we ordered, that thou make Master Richard of Colyton, Thomas of Stapeldon, Richard of Stapeldon, Richard of Brayley, Robert of Taunton and Thomas of Yanton, the executors of the will of the aforesaid bishop, that they are to be in our Chancery in the Quindisme of the Purification of the Blessed Mary, next to come, wheresoever it shall then be; which day we have given to the before-mentioned Michael, there to show if he have or can say anything for himself wherefore the recognizance aforesaid ought not to be cancelled and annulled according to the form of the Statute aforesaid; or signify to us the cause wherefore thou hast been unwilling or unable to execute our mandate, directed to thee at another time. And have thou there the names of those by whom thou didst make them to know, and this writ. Witness myself at York, on the 27th day of January, in the second year of our reign.

[*Indorsed*] I have made Master Richard of Colyton, Thomas of Stapeldon, and the others named in the writ, executors of the will of Walter, bishop of Exeter, deceased, that they are to be in the Chancery of the lord King, at the day contained in the writ, to show if they have or can say anything for themselves, wherefore the recognizance of 200 marcs made by Michael of Meldon, parson of the church of Campsall, in the said Chancery to the same bishop, ought not to be cancelled and annulled. By William, son of Henry of Stontorre [*and three others*].

At which day the aforesaid executors were called and came not.

36. ¹ PLACITA IN CANCELLARIA REGIS APUD WESTMONASTERIUM IN CRASTINO SANCTI GREGORII PAPE, ANNO REGNI REGIS EDWARDI, TERCII POST CONQUESTUM UNDECIMO. (1337.)

² Willelmus Tuchet, miles, vicesimo die Decembris anno regni domini Edwardi nuper Regis Anglie, patris Regis sexto, in cancellaria sua recognovit se debere Johanni de Cotum de Londonia quadraginta libras quas ei solvisse debuit in festo Apostolorum Petri et Pauli, tunc proximo futuro, sicut constat per inspectionem rotulorum Cancellarie ipsius patris Regis ³ et eas nondum solvit, ut dicit; ac idem Johannes juxta Statutum inde editum, elegit sibi liberari pro predictis quadraginta libris omnia catalla et medietatem terre ipsius Willelmi, tenenda juxta formam statuti predicti. Per quod preceptum est vicecomiti Lincoln' quod scire faciat prefato Willelmo quod sit in Cancellaria Regis in crastino Sancti Gregorii Pape jam futuro, ubicumque, etc., ad ostendendum si quid [*etc.*] quare omnia catalla sua, preter boves et affros, etc., et medietas terre sue prefato Johanni pro predictis quadraginta libris liberari non debeant, juxta formam Statuti predicti. Ac vicecomes ad diem illum retornavit quod predictus Willelmus mortuus est; per quod preceptum est eidem vicecomiti quod scire faciat heredibus ipsius Willelmi, necnon tenentibus terrarum et tenementorum que fuerunt ipsius Willelmi die recognitionis predictae, quod sint in Cancellaria Regis in Crastino Sancte Margarete virginis proximo futuro, ubicumque, etc., ad ostendendum si quid [*etc.*] quare medietas terre quam ipsi tenent de terris predictis prefato Johanni, pro predictis quadraginta libris, liberari non debeat, juxta [*etc.*].⁴

Ac idem vicecomes ad diem illum retornavit quod sibi inde venit habere fecit Nicholao de Gotham [*and another*] ballivis libertatis comitis Lancastrie et Henrico de Chetham ballivo libertatis abbatis de Burgo Sancti Petri et Henrico de Lee, ballivo libertatis de Bolyngbroke, qui nullum sibi inde dederunt responsum, per quod preceptum est eidem vicecomiti quod non omittat ⁵ propter libertates illas quin eas ingrediatur et scire faciat prefatis heredibus ejusdem Willelmi, necnon tenentibus terrarum et tenementorum que fuerunt ejusdem Willelmi die recognitionis predictae quod sint in Cancellaria Regis in Crastino Sancti Martini proximo futuro, ubicumque, etc., ad ostendendum si quid [*etc.*] liberari

¹ Chancery Common Law Pleadings, File 1, No. 6 (2).

² For the history of this case, see Introduction, p. xlviii *sq.* and footnotes on pp. 60, 61, 64. It is printed here to show the relationship of these common law pleadings in the Chancery and before the King, respectively. The statute cited is 2 Westm., c. 18.

³ Close Roll 6 Edward II, m. 19d, at Windsor.

⁴ Part of the right margin of the roll is mutilated.

⁵ 'omittant' in roll.

36. PLEAS IN THE KING'S CHANCERY AT WESTMINSTER, ON THE MORROW OF S. GREGORY THE POPE, IN THE ELEVENTH YEAR OF THE REIGN OF KING EDWARD, THE THIRD AFTER THE CONQUEST. (1337.)

William Tuchet, knight, on the twentieth day of December in the sixth year of the reign of lord Edward, late King of England, father of the King, in his Chancery recognized that he owed John of Cotham of London forty pounds which he ought to have paid in the Feast of the Apostles Peter and Paul then next to come, as is evident by the inspection of the rolls of the Chancery of the King his father, and has not yet paid them, as he says; and the same John, according to the Statute put forth in this matter, elected to have delivered to him for the aforesaid forty pounds, all the chattels and half of the lands of him, William, to be held according to the form of the Statute aforesaid. Wherefore precept is made to the sheriff of Lincolnshire that he make the before-mentioned William to know that he is to be in the King's Chancery on the Morrow of S. Gregory the Pope, now to come, wheresoever, etc., to show if he [*etc.*], wherefore all his chattels, except the oxen, and affers, etc., and the half of his land ought not to be delivered to the before-mentioned John for the aforesaid forty pounds, according to the form of the Statute aforesaid. And the Sheriff returned at that day that the aforesaid William is dead; wherefore precept is given to the sheriff that he make the heirs of him, William, and also the tenants of the lands and tenements which were his, William's, on the day of the recognition aforesaid that they are to be in the King's Chancery on the Morrow of S. Margaret the Virgin next to come, wheresoever, etc., to show if they have anything [*etc.*] wherefore the half of the land, that they hold of the lands aforesaid, ought not to be delivered to the before-mentioned John for the aforesaid forty pounds according to [*etc.*].

And the same sheriff returned at that day that what came to him thence he communicated to Nicholas of Gotham [*and another*], bailiffs of the Liberty of the Earl of Lancaster, and to Henry of Cheetham, bailiff of the liberty of the abbot of Peterborough and to Henry of Lee, bailiff of the liberty of Bolingbroke, who gave a reply to no one about it; wherefore precept is made to the same sheriff that he omit not by reason of those being liberties to enter them and make the before-mentioned heirs of the same William and moreover the tenants of the lands and tenements which were the same William's on the day of the recognition aforesaid that they are to be in the King's Chancery on the Morrow of S. Martin next to come, wheresoever, etc. to show if they

non debeat, juxta [*etc.*]. Ac idem vicecomes ad diem illum retornavit quod heredes predicti Willelmi Tuchet nichil habent in balliva sua ubi possunt premuniri; et quod scire fecit abbati de Topholme [*and four others*] tenentibus terrarum et tenementorum que fuerunt dicti Willelmi Tuchet die recognicionis predictae per [*two named*] quod sint in Cancellaria Regis in dicto Crastino Sancti Martini in forma predicta.

Ad quem diem predictus Johannes de Cotum in propria persona sua in dicta Cancellaria Regis comparens petiit execucionem recognicionis predictae sibi fieri. Et predicti Rogerus et Philippus in eadem Cancellaria solempniter vocati, non venerunt. Ac dictus Robertus de Silkestone, per Ricardum de Bolyngbroke, attornatum suum et prefatum Willelmus de Tathewell in propria persona sua ad eundem diem in predicta Cancellaria Regis venerunt et dixerunt quod non tenent aliqua terras seu tenementa que fuerunt prefati Willelmi Tuchet die recognicionis predictae, nec postea. Et prefatus abbas, per fratrem Rogerum de Blaunkenay, concanonicum et attornatum suum, in eadem Cancellaria venit et dixit quod Thomas nuper comes Lancastrie, dudum defunctus, fuit seisisitus in dominico suo, ut de feodo, de manerio de Burreth, cum pertinenciis in comitatu predicto, et diu ante mortem suam et dictam recognicionem factam manerium illud dedit et concessit prefato Willelmo Tuchet, habendum et tenendum sibi et heredibus [*etc.*]. Ita quod si idem Willelmus sine herede [*etc.*] obire, tunc manerium predictum [*etc.*] ad prefatum comitem et heredes suos reverteretur. Qui quidem Willelmus sine herede hujusmodi¹ exeunte obiit; et post cujus decessum Henricus nunc comes Lancastrie, ut frater et heres predicti Thome, dictum manerium intravit et prefatum manerium prefato abbati dedit et assignavit, habendum [*etc.*] sibi et successoribus suis imperpetuum, licencia Regis super hoc obtenta. Sic que prefatus Willelmus alium statum quam in feodo talliato non habuit in manerio predicto die recognicionis predictae, nec postea. Ita quod idem Willelmus manerium illud potuit onerare. Et quod non tenet aliqua alia terras seu tenementa que fuerunt predicti Willelmi Tuchet die recognicionis predictae nec postea; et hoc optulerunt se verificare.

Et prefatus Johannes de Cotoun asseruit quod predictus Robertus de Silkestone duas carucas terre [*etc.*] in Tathewell [*etc.*] et prefatus Willelmus de Tathewell unam carucatam terre, cum pertinenciis in eadem villa tenent, que fuerunt predicti Willelmi Tuchet die recognicionis predictae, et quod Willelmus de Louth,² quondam episcopus Eliensis,

¹ *i.e.* legitimate.

² Better known as William de Luda.

have anything [*etc.*], ought not to be delivered according to [*etc.*]. And the same sheriff at that day returned that the heirs of the aforesaid William Tuchet have nothing in his bailiwick whereby they can be premonished ; and that he made the abbot of Topholme [*and four others*] tenants of lands and tenements which were in the possession of the said William Tuchet on the day of the recognition aforesaid by [*two named*] that they are to be in the King's Chancery on the said Morrow of S. Martin, in the form aforesaid.

At which day the aforesaid John of Cotham, appearing in his proper person in the King's Chancery, sought that execution of the recognizance aforesaid should be made to him. And the aforesaid Roger and Philip, called solemnly in the same Chancery, did not come. And the said Robert of Silkstone, by Richard of Bolingbroke, his attorney, and the aforesaid William of Tathwell in his proper person came in the aforesaid Chancery of the King and said that they do not hold any lands or tenements which were in the possession of the before-mentioned William Tuchet on the day of the recognition aforesaid nor after. And the before-mentioned abbot, by brother Roger of Blankney, his fellow canon and attorney, comes in the same Chancery and says that Thomas, late Earl of Lancaster, sometime deceased, was seised in his demesne as of fee of the manor of Burreth, with the appurtenances in the county aforesaid, and long before his death and the making of the said recognition he gave and granted that manor to William Tuchet, to have and to hold to him and his heirs [*etc.*], so that if the same William should die without heir [*etc.*], then the manor aforesaid [*etc.*] was to revert to the before-mentioned Earl and his heirs, which William, indeed, died without issue of an heir of this sort and after whose decease Henry, now Earl of Lancaster, as brother and heir of the aforesaid Thomas, entered the said manor and gave and assigned the before-mentioned manor to the before-mentioned abbot to have [*etc.*] to him and his successors for ever, the licence of the King having been obtained for this. And so the before-mentioned William had not other status than in fee tail in the manor aforesaid on the day of the recognition nor after. So that the same William was able to charge that manor. And that he does not hold any other lands or tenements which were in the possession of the aforesaid William Tuchet on the day of the recognition aforesaid nor after ; and this they offered to aver.

And the before-mentioned John of Cotham asserted that the aforesaid Robert of Silkstone held two carucates of land [*etc.*] in Tathwell [*etc.*] and the before-mentioned William of Tathwell one carucate of land with the appurtenances in the same town, which were in the possession of the aforesaid William Tuchet on the day of the recognition aforesaid ; and that William of Louth, sometime bishop of Ely, was

fuit seisisus in dominico suo ut de feodo de manerio predicto die quo obiit; post cujus decessum Willelmus Tuchet, ut consanguineus et heres predicti episcopi, dictum manerium intravit et illud in feodo simplici tenuit usque ad diem recognicionis predictæ, et postea; et premissa optulit se verificare.

Per quod dies datus est tam predicto Johanni de Cotoun quam prefatis Roberto, Willelmo et abbati coram Rege a die Sancti Hillarii in xv. dies, ubicumque, etc., faciendis et recipiendis quod curia Regis consideraverit in premissis. Et preceptum est vicecomiti predicto quod venire faciat coram Rege ad predictum diem xxiiij tam milites, etc., qui nec, etc., ad recognoscendum super sacramentum suum si predicti Robertus de Silkeston et Willelmus de Tathewell dictas tres carucatas terre cum pertinenciis teneant et si eodem tres carucate terre fuerunt predicti Willelmi Tuchet die recognicionis predictæ, seu postea, ita quod idem Willelmus eas onerare potuit, sicut prefatus Johannes de Cotoun dicit vel non, sicut predictus Robertus de Silkeston, per dictum attornatum suum, et prefatus Willelmum de Tachewell dicunt; et si prefatus Willelmus Tuchet de manerio predicto in feodo simplici die recognicionis predictæ seu postea seisisus fuisset, sicut prefatus Johannes dicit vel non, sicut predictus abbas per dictum attornatum suum dicit. Quia tam, etc.

37. ¹PLACITA CORAM DOMINO REGE APUD WESTMONASTERIUM, DE TERMINO SANCTI HILLARII ANNO REGNI REGIS EDWARDI, TERCII POST CONQUESTUM, DUODECIMO. (1338.)

Adhuc de Termino Sancti Hillarii—Scrop'.

(m. 38d.)
Lincoln'.

Cum Willelmus Tuchet sexto die Maii anno regni domini Edwardi nuper regis Anglie, patris domini Regis nunc, quarto, in Cancellaria ipsius Regis ² recognoverit se debere Johanni de Cotoun sexaginta et quindecim libras sex solidos et quatuor denarios; unde ei solvisse debuit in festo Nativitatis Sancti Johannis Baptiste tunc proximo futuro quinquaginta libras et in festo Assumpcionis Beate Marie, sequenti viginti et quinque libras et quatuor denarios, sicut constat Regi per inspectionem rotulorum Cancellarie ipsius patris Regis, et eos

¹ K.B. 27/311.

² Close Roll, 4 Edward II, m. 9d, at Berwick. For the proceedings on a later bond, see above, No. 36, and Introduction, p. xlviii.

seised in his demesne as of fee in the manor aforesaid on the day of his death ; after whose decease William Tuchet as cousin and heir of the aforesaid bishop entered the said manor and held it in fee simple till the day of the recognition aforesaid and after ; and he offered to aver the premises.

Wherefore a day is given as well to the aforesaid John de Cotham as to the before-mentioned Robert, William and Abbot, before the King in 15 days of S. Hilary, wheresoever, etc., to do and receive what the King's court shall have awarded in the premises. And precept is made to the sheriff aforesaid that he make to come before the King at the aforesaid day 24 as well knights, etc., who neither, etc., to make recognition upon their oath if the aforesaid Robert of Silkstone and William of Tathwell hold the said three carucates of land with the appurtenances, and if the same three carucates of land were in the possession of the aforesaid William Tuchet on the day of the recognition aforesaid, or after, so that the same William was able to charge them, as the before-mentioned John of Cotham says, or not, as the aforesaid Robert of Silkstone by his said attorney, and the before-mentioned William of Tathwell say ; and if the before-mentioned William Tuchet had been seised of the manor aforesaid in fee simple on the day of the recognition aforesaid or after, as the before-mentioned John says, or not, as the aforesaid abbot by his said attorney says. Because as well, etc.

37. PLEAS BEFORE THE LORD KING AT WESTMINSTER OF THE TERM OF S. HILARY, IN THE TWELFTH YEAR OF THE REIGN OF KING EDWARD, THE THIRD AFTER THE CONQUEST. (1338.)

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Yet of the Term of S. Hilary—Scrope.

.

Lincoln-
shire.

Whereas William Tuchet on the sixth day of May in the fourth year of the reign of the lord Edward, late King of England, father of the now lord King, in the Chancery of him, the King, did recognize that he owed to John of Cotham sixty and fifteen pounds, six shillings and fourpence, whereof he ought to have paid to him in the Feast of the Nativity of S. John the Baptist, then next to come, fifty pounds, and in the Feast of the Assumption of the Blessed Mary following twenty and five pounds and fourpence, as is shown to the King by inspection of the rolls of the Chancery of him the King's father, and he has not yet paid them, as

nondum solvit, ut dicit; ac idem Johannes juxta Statutum inde editum elegerit sibi liberari, pro predictis sexaginta et quindecim libris sex solidis et quatuor denariis, omnia bona et medietatem terre ipsius Willelmi, tenenda juxta formam statuti predicti; per quod preceptum fuit vicecomiti quod scire faceret prefato Willelmo quod esset [in Cancellaria ipsius domini ¹] Regis nunc in crastino Sancti Gregorii pape proximo preterito, ubicumque tunc esset, ad ostendendum si quid pro se haberet vel dicere sciret quare omnia bona et catalla sua et medietas terre sue prefato Johanni, pro predictis sexaginta et quindecim libris sex solidis et quatuor denariis, liberari non deberent, juxta formam statuti predicti. Ac idem vicecomes Regi retornavit quod prefatus Willelmus mortuus est, per quod preceptum fuit eidem vicecomiti quod scire faceret heredibus ipsius Willelmi necnon tenentibus terrarum et tenementorum que fuerunt ipsius Willelmi, die recognitionis predictæ, quod essent in Cancellaria ipsius domini Regis nunc in crastino Sancte Margarete Virginis proximo preterito, ubicumque tunc esset, ad ostendendum si quid pro se haberent vel dicere scirent quare medietas terre, quam ipsi tenent de terris predictis, prefato Johanni pro sexaginta libris [*etc.*] liberari non deberet, juxta formam statuti predicti.

Ac idem vicecomes postmodum Regi retornavit quod retornum brevis Regis predicti habere fecit Nicholao de Gotham et Johanni de Tamworth, ballivis libertatis Comitis Lancastrie, et Henrico de Chetham, ballivo libertatis abbatis de Burgo Sancti Petri, et Henricum de Lee, ballivum libertatis de Bolyngbroke, qui nullum sibi inde dederunt responsum; per quod preceptum fuit vicecomiti quod non omitteret propter libertates predictas quin eas ingrederet et scire faceret prefatis heredibus ejusdem Willelmi necnon tenentibus [*as above*] die recognitionis predictæ quod essent in Cancellaria Regis nunc in crastino Sancti Martini proximo preterito, ubicumque tunc esset, ad ostendendum si quid [*as above*] liberari non deberet [*as above*]. Ac idem vicecomes retornavit quod heredes predicti Willelmi Tuchet nichil habent in ballia sua ubi possunt premuniri; et quod scire fecit abbati de Topholm', Roberto de Silkeston', chivaler, Willelmo Fraunceys de Tachewell', Rogero Sibille et Philippo de Hagh de Luda tenentibus terrarum et tenementorum que fuerunt dicti Willelmi Tuchet, die recognitionis predictæ, per Willelmum Punchard et Hugonem de Calkewell, quod essent in Cancellaria Regis in dicto crastino Sancti Martini, in forma predicta

¹ Omitted in roll.

he says ; and the same John, according to the Statute put forth in that matter, did elect to have delivered to him for the aforesaid sixty and fifteen pounds, six shillings and fourpence all the goods and a half of the land of him, William, to be held according to the form of the Statute aforesaid. Wherefore precept was made to the sheriff that he should make the before-mentioned William to know that he should be in the Chancery of him the now lord King on the Morrow of S. Gregory the pope, last past, wheresoever he should then be, to show if he had or could say anything wherefore all his goods and chattels and the half of his land should not be delivered to the before-mentioned John for the aforesaid sixty and fifteen pounds, six shillings and fourpence, according to the form of the Statute aforesaid. And the same sheriff returned to the King that the before-mentioned William was dead, wherefore precept was made to the same sheriff that he should make known to the heirs of him William and also to the tenants of the lands and tenements that were in the possession of the same William on the day of the recognition aforesaid that they should be in the Chancery of him the now lord King on the Morrow of S. Margaret the Virgin last past, wheresoever he should be, to show if they had or could say anything for themselves wherefore half of the land which they hold of the lands aforesaid ought not to be delivered to the before-mentioned for sixty pounds [*etc.*] according to the form of the Statute aforesaid.

And the same sheriff afterwards returned to the King that he had made Nicholas of Gotham and John of Tamworth, bailiffs of the liberty of the earl of Lancaster, and Henry of Cheetham, bailiff of the liberty of the Abbot of Peterborough and Henry of Lee, bailiff of the liberty of Bolingbroke, to have the return of the King's writ aforesaid, who had given no answer thereof to him ; wherefore precept was made to the sheriff that he should not omit, by reason of the liberties aforesaid, to enter them and make known to the before-mentioned heirs of the same William Tuchet and also to his tenants [*as above*] on the day of the recognition aforesaid that they should be in the Chancery of the now King on the Morrow of S. Martin last past, wheresoever he should then be, to show if [*as above*] should not be delivered [*as above*]. And the same sheriff returned that the heirs of the aforesaid William Tuchet have nothing in his bailiwick whereby they can be premonished ; and that he made the abbot of Topholme, Robert of Silkstone, knight, William Fraunceys of Tathwell, Roger [son of] Sybil and Philip of Haugh of Louth, tenants of lands and tenements which were in the possession of the said William Tuchet on the day of the recognition aforesaid, to know [*by two sureties*] that they should be in the Chancery of the King on the said Morrow of S. Martin, in the form aforesaid.

Ad quem diem predictus Johannes de Cotoun in propria persona sua in dicta Cancellaria Regis comparens petiit execucionem recognitionis predictae sibi fieri; et predicti Rogerus et Philippus in eadem Cancellaria solempniter vocati non venerunt. Et dictus Robertus de Silkeston per Ricardum de Bolyngbroke, attornatum suum, et prefatus Willelmum de Tathewell in propria persona sua ad eundem diem in predicta Cancellaria Regis venerunt et dixerunt quod non tenent aliqua terras seu tenementa que fuerunt prefati Willelmi Tuchet die recognitionis nec postea. Et prefatus abbas per fratrem Rogerum de Blaunkenaye commonachum et attornatum suum venit, et dixit quod nuper comes Lancastrie, dudum defunctus, fuit seisitus in dominico suo ut de feodo de manerio de Burreth cum pertinenciis in comitatu predicto, et diu ante mortem suam et dictam recognitionem factam manerium illud dedit et concessit prefato Willelmo Tuchet, habendum et tenendum sibi et heredibus de corpore suo legitime procreatis. Ita quod si idem Willelmus sine herede suo legitime procreato obiret, tunc manerium predictum cum pertinenciis ad predictum comitem et heredes suos reverteretur. Qui quidem Willelmus sine herede hujusmodi de corpore suo exeunte obiit; post cujus decessum Henricus nunc comes Lancastrie ut frater et heres predicti Thome predictum manerium intravit et manerium illud prefato abbati dedit et assignavit, habendum et tenendum sibi et successoribus suis imperpetuum, licentia regia super hoc obtenta; sic que prefatus Willelmus alium statum quam in feodo talliato [non]¹ habuit in manerio predicto die recognitionis predictae nec postea;² et hoc optulerunt se verificare.

Ac prefatus Johannes de Cotoun asseruit quod predictus Robertus de Silkeston' duas carucatas terre cum pertinenciis in Tathewell' in comitatu predicto, et prefatus Willelmus de Tathewell' unam carucatam terre cum pertinenciis in eadem villa tenent, que fuerunt predicti Willelmi Tuchet die recognitionis predictae; et quod Willelmus de Luthe,¹ quondam episcopus Eliensis, fuit seisitus in dominico suo, ut de feodo, de manerio predicto die quo obiit; post cujus decessum predictus Willelmus Tuchet ut consanguineus et heres predicti Episcopi dictum manerium intravit et illud in feodo simplici tenuit usque ad diem recognitionis predictae, et postea; et premissa obtulit se verificare. Per quod diem dedit Rex tam predicto Johanni de Cotoun, quam prefatis [Roberto],¹ Willelmo et abbati coram Rege a die Sancti Hillarii in xv. dies, ubicumque tunc esset Rex in Anglia, ad faciendum et

¹ The margin of the roll is rubbed here.

² It will be seen from the Chancery record of the parallel pleadings on the bond of 20 December, 6 Edw. II, for 40*l.*, printed on p. 60, that a sentence has been omitted here through 'dittography.'

At which day the aforesaid John of Cotham, appearing in his proper person in the said Chancery of the King, asked for execution of the recognizance aforesaid to be made to him ; and the aforesaid Roger and Philip, solemnly called in the same Chancery, came not. And the said Robert of Silkstone, by Richard of Bolingbroke his attorney, and the before-mentioned William of Tathwell in his proper person came at that day in the aforesaid Chancery and said that they do not hold any lands or tenements which were in the possession of the before-mentioned William Tuchet on the day of the recognition aforesaid nor after. And the before-mentioned abbot, by brother Roger of Blankney his fellow-monk and attorney, came and said that the late Earl of Lancaster, some time deceased, was seised in his demesne as of fee of the manor of Burreth with the appurtenances in the county aforesaid ; and long before his death and the making of the said recognition he gave and granted that manor to the before-mentioned William Tuchet, to have and to hold to him and the heirs of his body legitimately procreated. So that if the same William should die without his heir legitimately procreated, then the manor aforesaid with the appurtenances should return to the aforesaid Earl and his heirs. Which William indeed died without heir of this sort as the issue of his body ; after whose decease Henry, now Earl of Lancaster, as brother and heir of the aforesaid Thomas, entered the said manor and gave and assigned that manor to the before-mentioned abbot, to have and to hold to him and to his successors for ever, the King's licence for this having been obtained ; and so the before-mentioned William other estate in the manor aforesaid than in fee tail had [not] on the day of the recognition aforesaid, nor after ; and this they offered themselves to aver.

And the aforesaid John of Cotham asserted that the aforesaid Robert of Silkstone holds two carucates of land with the appurtenances in Tathwell in the county aforesaid, and the before-mentioned William of Tathwell one carucate of land with the appurtenances in the same town, which were in the possession of the aforesaid William Tuchet on the day of recognition aforesaid ; and that William of Louth, sometime bishop of Ely, was seised in his demesne, as of fee, of the manor aforesaid on the day on which he died ; after whose decease the aforesaid and William Tuchet, as cousin and heir of the aforesaid bishop, entered the said manor and held it in fee simple until the day of the recognition aforesaid, and after ; and the premises offered himself to aver. Wherefore the King gave a day as well to the aforesaid John of Cotham, as to the before-mentioned Robert, William and to the Abbot before the King, in 15 days from the day of S. Hilary, wheresoever the King should then be in England, to do and receive what the King's Court should award

recipiendum quod curia Regis consideraret in premissis. Et preceptum fuit vicecomiti quod venire faceret coram Rege [ad]¹ diem predictum viginti et quatuor tam milites quam alios probos et legales homines de balliva sua, qui nec prefatum Johannem aut predictos Robertum, Willelmum et abbatem affinitate vel consanguinitate attingant, ad recognoscendum [per] sacramentum suum si predicti Robertus de Silkeston' et Willelmus de Tathewell² dictas tres carucatas terre cum pertinenciis teneant, [ac] si eodem tres carucate terre fuerint predicti Willelmi Tuchet die recognicionis predictae seu postea, ita quod idem Willelmus eas onerare potuit, sicut prefatus Johannes de Cotoun dicit, vel non, sicut predicti Robertus de Silkeston' per dictum attornatum suum et prefatus Willelmus de Tathewell' dicunt. Et si prefatus Willelmus Tuchet de manerio predicto in feodo simplici die recognicionis predictae, seu postea, seisisit fuisset, sicut prefatus Johannes dicit, vel non, sicut predictus abbas, per dictum attornatum suum dicit. Quia tam prefatus Johannes de Cotoun quam predicti Robertus et abbas posuerunt se inde in juratam illam.

Et vicecomes retornavit quod breve adeo tarde sibi liberatum fuit quod illud exequi non potuit. Ideo preceptum est vicecomiti, sicut prius, quod venire faciat coram Rege a die Pasche in xv. dies, ubicumque, etc., viginti et quatuor tam milites, etc., et qui nec, etc., ad recognoscendum, etc., in forma predicta. Et dies datus est partibus predictis per attornatos suos predictos, etc.

38. ³ PLACITA IN CURIA DOMINI REGIS, TENTA CORAM WILLELMO DE TUDENHAM, UNO VICECOMITUM LONDONIE IN GIHALDA LONDONIE, DIE JOVIS PROXIMA ANTE FESTUM SANCTI VALENTINI, ANNO REGIS EDWARDI TERTII POST CONQUESTUM VICESIMO NONO. (1355.)

⁴ Edwardus Dei gratia Rex Anglie et Francie et Dominus Hibernie Vicecomitibus Londonie salutem. Cum Johannes de Wendovere civis et vinetarius Londonie nuper coram Johanne Wroth majore stapule Westmonasterii et constabulariis ejusdem stapule recognoverit se debere Matthaeo Forte guerre, mercatori de Luka, ducentas et quinquaginta marcas sterlingorum quas ei solvisse debuit in festo Nativitatis Sancti Johannis Baptiste proxime preterito ; et quia idem Johannes

¹ Supplied from Chancery Record.

² 'Cachewell' in roll.

³ Chancery, Extents on Debts, File 9.

⁴ The record of the proceedings in the Chancery may suggest collusion in this case and may be compared with the disputed claim of the City Courts to deal with statutory recognizances.

in the premises. And precept was made to the sheriff that he should cause to come before the King at the day aforesaid twenty and four as well knights as other good and lawful men of his bailiwick, who touch neither the before-mentioned John nor the aforesaid Robert, William and Abbot in affinity or consanguinity, to recognize by their oath if the aforesaid Robert of Silkstone and William of Tathwell hold the said three carucates of land with the appurtenances [and] if the same three carucates of land were in the possession of the aforesaid William Tuchet on the day of the recognition aforesaid or after, so that the same William could charge them, as the before-mentioned John of Cotham says, or not, as the aforesaid Robert of Silkstone, by his said attorney, and the before-mentioned William of Tathwell say. And if the before-mentioned William Tuchet had been seised of the manor aforesaid in fee simple on the day of the recognition aforesaid or after, as the before-mentioned John says, or not, as the aforesaid Abbot by his said attorney says. Because as well the before-mentioned John of Cotham as the aforesaid Robert and Abbot have put themselves upon that jury in the matter.

And the sheriff returned that the writ was delivered to him so late that he was unable to execute it. Therefore precept is made to the sheriff as before that he make to come before the King in 15 days from Easter Day, wheresoever, etc., twenty and four as well knights, etc., and who neither, etc., to make recognition, etc., in the form aforesaid. And a day is given to the parties aforesaid by their attorneys aforesaid, etc.

38. PLEAS IN THE COURT OF THE LORD KING HELD BEFORE WILLIAM OF TUDDENHAM, ONE OF THE SHERIFFS OF LONDON, IN THE GUILDHALL OF LONDON, ON THURSDAY NEXT BEFORE THE FEAST OF S. VALENTINE IN THE TWENTY-NINTH YEAR OF KING EDWARD, THE THIRD AFTER THE CONQUEST. (1355.)

Edward by the Grace of God King of England and France and lord of Ireland, to the sheriffs of London, greeting. Whereas John of Wendover, citizen and vintner of London, of late before John Wroth, mayor of the Staple of Westminster, and the constables of the same, did recognize that he owed to Matthew Forte Guerre, merchant of Lucca, two hundred and fifty mares sterling which he ought to have paid to him in the Feast of the Nativity of S. John the Baptist, last past ; and

dictam pecunie summam ad terminum predictum aut postea non solvit, ad prosecutionem prefati Matthaei in dicta stapula arestatus et in prisiona ibidem ea occasione detentus, et postmodum, de assensu prefati Matthaei, Johanni de Stoday, civi Londonie, pro concordia inter partes predictos de dicto debito facienda in ballium liberatus extitit, ad prisonam predictam, si concordari non possent, reducendus, sicut prefati major et constabularii coram nobis in Cancellaria nostra personaliter constituti nos ore tenus certificarunt; vos ad hoc considerationem non habentes, ipsum Johannem de Wendovere, in custodia predicti Johannis de Stoday, in ballio sic existentem ad prosecutionem quorundam mercatorum, asserentium dictum Johannem de Wendovere eis in diversis pecuniarum summis teneri, in civitate predicta capi et arestarti ac prisone nostre de Neugate mancipari et in ea detineri fecistis, in nostri contemptum et Ordinationis Stapule predictae¹ enervacionem manifestam, unde plurimum admiramur. Nos volentes Ordinationem predictam in omnibus suis articulis firmiter observari, vobis precipimus, sicut alias precepimus, quod si prefatum Johannem de Wendovere extra custodiam predicti Johannis de Stoday taliter ceperitis, tunc ipsum Johannem de Wendovere prefato Johanni de Stoday ad reducendum stapule predictae liberari facietis indilate, ibidem in prisiona moraturum quousque prefato Matthaeo de predictis ducentis et quinquaginta marcis plenarie fuerit satisfactum vel causam nobis significetis quare mandatum nostrum alias vobis inde directum exequi noluistis vel non potuistis.

Teste me ipso apud Westmonasterium, xj die Februarii anno regni nostri Anglie vicesimo nono, regni vero nostri Francie sextodecimo.

[*Indorsed*] Executio istius brevis patet in quadam cedula huic brevi consuta.

Responsio Willelmi de Tudenham vicecomitis :

Ante adventum istius brevis Johannes de Wendovere civis et vinetarius Londonie ad sectam Bernardi Dyose civis et vinetarii Londonie in quodam placito debiti captus fuit ad largum, extra custodiam Johannis de Stoday civis Londonie et alterius cujuscumque existens, et statim manucaptus fuit per Johannem Blaunche et Galfridum Beauflour essendi ad curiam domini Regis tentam coram Willelmo de Tudenham, uno vicecomitum Londonie, in Gibalda Londonie, die Jovis proxima ante festum Sancti Valentini, anno Regis Edwardi Tercii post Conquestum vicesimo nono, prefato Bernardo in placito predicto

¹ Cf. Stat. 27 Edw. III, Stat. 2, cc. viii, ix.

because the same John did not pay the said sum of money at the term aforesaid, nor after, he was arrested at the suit of the before-mentioned Matthew and detained in prison there on that occasion, and afterwards, with the assent of the before-mentioned Matthew (for making an arrangement between the parties aforesaid in respect of the said debt) delivered on bail to John de Stoday, citizen of London, to be taken back to the prison aforesaid if they are not able to come to an arrangement, as the before-mentioned mayor and constables, before us in our Chancery personally appearing, have certified us by word of mouth; you having no regard for this did cause him, John of Wendover, being thus in the custody of the aforesaid John de Stoday on bail, to be taken and arrested in the city aforesaid, and consigned to our prison of Newgate and detained therein at the suit of certain merchants, asserting that the said John of Wendover is bound to them in divers sums of money, in contempt of us and the manifest enervation of the Ordinance of the Staple aforesaid, whereat we marvel greatly. We willing the Ordinance aforesaid to be firmly observed in all its articles, order you, as at another time we ordered, that if you did thus take the before-mentioned John of Wendover out of the custody of the aforesaid John de Stoday, then you are to cause him, John of Wendover, to be delivered, without delay, to the before-mentioned John de Stoday, to be brought back to the Staple aforesaid, there to abide in prison until satisfaction shall have been fully made to the before-mentioned Matthew in respect of the aforesaid two hundred and fifty marcs, or you are to signify to us wherefore you have been unwilling or unable to execute our mandate directed to you before in that matter.

Witness myself at Westminster, the 11th day of February, in the twenty-ninth year of our reign of England, but of our reign of France the sixteenth.

[*Indorsed*] The execution of that writ appears in a certain schedule sewn on to this writ.

The answer of William of Tuddenham, sheriff:

Before the coming of that writ John of Wendover, citizen and vintner of London, was taken at the suit of Bernard Dyose, citizen and vintner of London, in a certain plea of debt, being at large and without the custody of John de Stoday, and of any other person whomsoever, and immediately was mainperned by John Blaunche and Geoffrey Beauflour to be at the court of the lord King held before William of Tuddenham, one of the sheriffs of London, in the Guildhall of London, on Thursday next before the Feast of S. Valentine in the twenty-ninth year of King Edward the Third after the Conquest, to answer the

responsurus, ulteriusque recepturus quod curia de eo consideraverit in hac parte.

Ad quem curiam tam predictus Bernardus quam predictus Johannes de Wendovere personaliter comparaverunt. Et idem Barnardus petiit a prefato Johanne de Wendovere lxxiij libras, xiiij solidos, iiij denarios, per quandam litteram obligatoriam, sigillo ipsius Johannis de Wendovere signatam, dictam summam continentem; et quam quidem litteram dictus Johannes de Wendovere esse sua in eadem curia fatebatur, et se in dicto debito prefato Bernardo teneri cognovit.

Et ideo consideratum fuit in eadem curia quod predictus Bernardus recuperaret versus eundem Johannem de Wendovere debitum predictum; et quod idem Johannes de Wendovere comitteretur prisone, in eadem moraturus quousque dicto Bernardo de debito predicto satisfaceret, prout moris est.

Et hac est causa quare predictum Johannem de Wendovere prefato Johanni de Stoday non fecimus liberari.

39. ¹ PLACITA CORAM DOMINO REGE APUD WESTMONASTERIUM ET STRATFORD' DE TERMINO SANCTI HILLARII ANNO REGNI REGIS EDWARDI, TERCII POST CONQUESTUM ANGLIE QUADRAGESIMO QUARTO. KNYVET. (1370.)

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Adhuc de Termino Sancti Hillarii—J. Knyvet.

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(m. 24.)
London'.

² Memorandum quod venerabilis pater Willelmus Wyntoniensis Episcopus et domini Regis Cancellarius, per manus suas proprias, liberavit hic in curia quoddam breve in hec verba:

Edwardus Dei Gratia Rex Anglie et Francie et dominus Hibernie, vicecomitibus Londonie salutem. Cum nuper per certificacionem Johannis Pyel, nuper majoris stapule apud Westmonasterium, ad recogniciones debitorum in eadem stapula accipiendas deputati, nobis in Cancellaria nostra missam, quod Rogerus Upholdere, nuper civis Londonie, coram prefato Johanni Pyel in eadem stapula recognovit se debere Johanni Burgeys, civi et pannario Londonie, quadraginta marcas quas ei solvisse debuit ad certum terminum, tunc elapsam, et eas ei non solvit, vobis per breve nostrum mandaverimus quod corpus predicti

¹ K.B. 27/436.

² The difficulty of an adequate extension and punctuation of this involved narrative will perhaps be obvious.

before-mentioned Bernard in the plea aforesaid, and further to receive what the court should award with regard to him in that behalf.

At which court as well the aforesaid Bernard as the aforesaid John of Wendover personally appeared. And the same Bernard demanded from the before-mentioned John of Wondover 73*l.* 13*s.* 4*d.* by a certain letter obligatory, sealed with the seal of him, John of Wendover, containing the said sum, and which letter indeed the said John of Wendover confessed in the same court to be his and acknowledged himself to be bound to the before-mentioned Bernard in the said debt.

And therefore it was awarded in the same court that the aforesaid Bernard should recover the debt aforesaid against the same John of Wendover ; and that the same John of Wendover should be committed to prison to remain in the same until he should satisfy the said Bernard in respect of the debt aforesaid, as the custom is.

And this is the cause wherefore we have not caused the aforesaid John of Wendover to be delivered to the before-mentioned John de Stoday.

39. PLEAS BEFORE THE LORD KING AT WESTMINSTER AND STRATFORD OF THE TERM OF S. HILARY IN THE FORTY-FOURTH YEAR OF THE REIGN OF KING EDWARD, THE THIRD AFTER THE CONQUEST OF ENGLAND. KNYVETT. (1370.)

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Yet of the Term of S. Hilary—J. Knyvett.

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London.

Be it remembered that the venerable father, William, bishop of Winchester and Chancellor of the lord King, by his own hands delivered here in the court a certain writ in these words :

Edward by the grace of God King of England and France and lord of Ireland, to the sheriffs of London, greeting. Whereas lately, by certification of John Pyel, late mayor of the Staple at Westminster, appointed for taking recognitions of debts in the same Staple, sent to us in our Chancery, that Roger Upholdere, late citizen of London, before the above-mentioned John Pyel in the same Staple recognized that he owed to John Burgeys, citizen and draper of London, forty mares, which he ought to have paid to him at a certain term, then elapsed, and has not yet paid them to him, we did command you by

Rogeri, si laicus esset, caperetis et in prisona nostra, quousque eidem Johanni Burgeys de predicto debito satisfecisset, custodiri; et omnia terras et catalla ipsius Rogeri in ballia vestra, juxta verum valorem eorundem, extendi et appreciari et in manum nostram seisiri faceretis, ut ea prefato Johanni Burgeys, quousque sibi de eodem debito satisfactum foret, liberari faceremus, juxta formam ordinacionis inde facte; ac postmodum, octavo die Januarii, anno regni nostri Anglie tricesimo quinto, pro eo quod nobis certificastis quod predictus Rogerus mortuus fuit et habuit in balliva vestra unam domum braceineam, unam tabernam et quatuor shopas cum pertinenciis in parochia Beate Marie in Wolchurchehawe, in Warda de Bradestrete, Londonie (que quidem domus, taberna et shope valebant per annum septem libras, tresdecim solidos, et quatuor denarios), vobis per aliud breve nostrum mandaverimus quod eidem Johanni Burgeys domum, tabernam et shopas predictas cum pertinenciis per extentam predictam liberari faceretis, tenenda ut liberum tenementum suum, quousque debitum predictum, una cum dampnis et expensis que in hac parte sustinuit, inde foret satisfactum; ac vos prefato Johanni Burgeys domum, tabernam et shopas predicta cum pertinenciis, virtute mandati nostri predicti liberastis, tenenda in forma predicta, sicut nobis in dicta Cancellaria nostra retornastis; subsequenterque, ex gravi querela Johannis Walden' et Alicie uxoris ejus, unius filiarum et heredum predicti Rogeri, tunc infra etatem existentis, accipientes quod, licet domus, taberna et shope predicta, cum pertinenciis, prefate Alicie et Juliane (alteri filiarum et heredum predicti Rogeri) post mortem ejusdem Rogeri patris sui jure hereditario descendissent, et dicta taberna et tres shope de shopis predictis, eidem Alicie (in propartem suam ipsam de domo, taberna et shopis predictis per partitionem inter predictos Johannem Walden et Aliciam et quendam Johannem Spicer, virum predictae Juliane, et predictam Julianam inde factam) contingentem, assignate fuissent, iidemque Johannes Walden et Alicia de eisdem taberna et tribus shopis cum pertinenciis, diu ante impetracionem primi brevis nostri predicti, ut de jure et hereditate ipsius Alicie seisiti extitissent; ipsi tamen Johannes Walden et Alicia (dicta Alicia infra etatem existente) de predictis taberna et tribus shopis, que in seisina ipsorum Johannis Walden et Alicie de aliquo debito, dum eadem Alicia sic infra etatem fuit, secundum legem et consuetudinem regni nostri onerari non deberent, amoti, et eedem taberna et tres shope

our writ that you should take the body of the aforesaid Roger, if he were a layman, and keep him in our prison until he should have satisfied the same John Burgeys in respect of the debt aforesaid ; and that you should cause all the lands and chattels of him, Roger, in your bailiwick to be extended and appraised according to the true value of the same, and seized into our hand in order that we might cause them to be delivered to the aforesaid John Burgeys until satisfaction should be received by him in respect of the same debt, according to the form of the Ordinance thereof made ; and afterwards, on the eighth day of January in the thirty-fifth year of our reign of England, forasmuch as you did certify to us that the aforesaid Roger was dead, and had in your bailiwick one brewhouse and four shops, with the appurtenances, in the parish of S. Mary Wolnoth, in the ward of Broad Street, London, which house, tavern and shops were worth by the year seven pounds, thirteen shillings and fourpence, we did by our other writ command that you should cause the house, tavern and shops aforesaid, with the appurtenances, to be delivered by the extent aforesaid to the same John Burgeys, to be held as his free tenement until the debt aforesaid, together with the damages and expenses which he has sustained in this behalf, shall have been satisfied therefrom ; and you, by virtue of our mandate aforesaid, did deliver to the before-mentioned John Burgeys the house, tavern and shops aforesaid with the appurtenances, to be held in the form aforesaid, as you did return to us in our said Chancery. And subsequently learning from the grievous complaint of John Walden and Alice his wife, one of the daughters and heiresses of the aforesaid Roger, she not being then yet of age, that although the house, tavern and shops aforesaid after the death of the same Roger their father had descended to the aforesaid Alice and to Juliana (the other daughter and heiress of the aforesaid Roger), by hereditary right, and the said tavern and three shops, of the shops aforesaid, had been assigned to the same Alice in respect of her own purparty of the house, tavern and shops aforesaid by partition made between the aforesaid John Walden and Alice and a certain John Spicer, (husband of the aforesaid Juliana) and the aforesaid Juliana ; and the same John Walden and Alice had been seised of the same tavern and three shops with the appurtenances, long before the obtaining of our first writ aforesaid, as of right and heirship of her, Alice, yet they, John Walden and Alice (the said Alice being within age), according to the law and custom of our realm ought not to have been charged with any debt in respect of the aforesaid tavern and three shops which [were] in the seisin of them, John Walden and Alice, whilst the same Alice was within age, they were put out of possession and the same tavern and three shops

prefato Johanni Burgeys liberate fuerunt, in ipsorum Johannis Walden et Alicie grave dampnum et contra legem et consuetudinem supradictas, vobis per aliud breve nostrum preceperimus quod scire faceretis prefato Johanni Burgeys quod esset in Cancellaria nostra ad certum diem, jam preteritum, ad ostendendum si quid pro se haberet vel dicere sciret quare taberna et tres shope predictae prefatis Johanni Walden et Alicie ratione minoris etatis predictae Alicie, una cum exitibus per ipsum Johannem Burgeys inde perceptis, restitui, executioque recognicionis predictae usque ad legitimam etatem ipsius Alicie in suspenso poni non deberent; et ad faciendum ulterius et recipiendum quod curia nostra consideraret in hac parte.

Ad quem diem, pro eo quod tam predictus Johannes Burgeys, per vos sufficienter premunitus, sicut nobis retornastis, quam predictus Johannes Walden' et Alicia, in Cancellaria predicta personaliter venerunt et, auditis parcium predictarum rationibus, consideratum fuit quod predicti Johannes Waldene et Alicia haberent restitutionem de taberna et tribus shopis shoparum predictarum, una cum exitibus de taberna et tribus shopis per prefatum Johannem Burgeys perceptis; et quod executio dicte recognicionis (quo ad tabernam et tres shopas predictas) usque ad legitimam etatem ejusdem Alicie poneretur in suspenso; duodecimo die Julii, anno regni nostri tricesimo sexto vobis per breve nostrum preceperimus quod dictas tabernam et tres shopas cum pertinenciis, unacum exitibus de eisdem taberna et tribus shopis per prefatum Johannem Burgeys perceptis, in manum nostram resumi et eandem tabernam et tres shopas cum pertinenciis, una cum exitibus predictis, prefatis Johanni Walden' et Alicie restitui faceretis, juxta consideracionem supradictam.

Ac nos nuper, comperto per inquisitionem, per Simonem de Mordon', majorem civitatis nostre Londonie et eschaetorem nostrum in eadem civitatem de mandato nostro captam et in Cancellaria nostra retornatam, quod predicta Alicia diem clausit extremum, ad prosecucionem predicti Johannis Burgeys, nobis supplicantis ut ei dictam tabernam et tres shopas, que extra manus suas, racione minoris etatis predictae Alicie, sic capte fuerunt, sibi liberari jubere vellemus, tenendas quousque sibi de dictis quadraginta marcis ac misis et expensis per ipsum in hac parte apposis foret satisfactum, juxta ordinacionem de hujusmodi recognicionibus nuper factam, vobis per aliud breve nostrum preceperimus quod scire faceretis tenentibus taberne et trium shoparum predictarum quod essent coram nobis in Cancellaria nostra, ad certum diem, jam preteritum, ad ostendendum si quid pro se haberent vel dicere scirent quare dicte taberna et tres

were delivered to the before-mentioned John Burgeys, to the grievous damage of them, John Walden and Alice, and contrary to the law and custom aforesaid, we did order you by our other writ that you should make the before-mentioned John Burgeys to know that he should be in our Chancery at a certain day, now past, to show if he had or could say anything for himself wherefore the tavern and three shops aforesaid should not be restored to the before-mentioned John Walden and Alice, by reason of the minority of her, Alice, together with the issues thereof received by him, John Burgeys, and the execution of the recognizance aforesaid placed in suspense until the lawful age of her, Alice, and to do further and receive what our court should award in this behalf.

At which day forasmuch as both the aforesaid John Burgeys (by you sufficiently premonished, as you did return to us) and the aforesaid John Walden and Alice in the Chancery aforesaid came personally, and after hearing the reasoning of the parties aforesaid, it was awarded that the aforesaid John Walden and Alice should have restitution of the tavern and three shops of the shops aforesaid, together with the issues of the tavern and three shops received by the before-mentioned John Burgeys, and that the execution of the said recognizance, as to the tavern and three shops aforesaid, should be put in suspense until the lawful age of the same Alice, we ordered you by our writ on the 12th day of July, in the thirty-sixth year of our reign, that you should cause the said tavern and three shops with the appurtenances, together with the issues received by the before-mentioned John Burgeys from the same tavern and three shops, to be resumed into our hand and the same tavern and three shops with the appurtenances, together with the issues aforesaid, to be restored to the before-mentioned John Walden and Alice according to the award aforesaid.

And we of late, it being found by inquest taken by our command by Simon of Morden, mayor of our city of London and our escheator in the same city, and returned in our Chancery, that the aforesaid Alice is deceased, at the suit of the aforesaid John Burgeys (making supplication to us that we should be pleased to order the said tavern and three shops, which by reason of the minority of the aforesaid Alice were thus taken out of his hands, to be delivered to him, to be held until satisfaction should be given to him in respect of the said forty marcs and the disbursements and expenses applied by him in this behalf, according to the Ordinance concerning recognizances of this sort lately made), ordered you by another writ of ours that you should make the tenants of the tavern and of the three shops aforesaid to know that they should be before us in our Chancery at a certain day now past, to show if they had or could say anything for themselves wherefore the

shope cum pertinenciis in manum nostram resum i et prefato Johanni Burgeys liberari non deberent, tenendas in forma predicta; et ad faciendum ulterius et recipiendum quod curia nostra consideraret in premissis. Ac vos nobis retornaveritis quod scire fecistis prefato Johanni Walden, tenenti taberne et trium shoparum predictarum, quod esset coram nobis in Cancellaria nostra ad diem predictum ad faciendum quod dictum breve nostrum requirebat. Et quia idem Johannes Walden, in Cancellaria predicta ad dictum diem solempniter vocatus non venit, tercio die Julii ultimo preterito vobis per aliud breve nostrum preceperimus quod dictas tabernam et tres shopas cum pertinenciis in manum nostram resumeretis et eas prefato Johanni Burgeys, tenendas sibi, heredibus, et assignatis suis ut liberum tenementum suum, per extentam inde alias factam, unacum predictis domo braceina et una shopa sibi prius liberatis, quousque sibi de predictis quadraginta marcis, ac misis et expensis suis predictis, foret satisfactum, liberetis, et qualiter dictum preceptum nostrum fuissetis executi, nobis scire faceretis in Cancellaria nostra in Quindena Sancti Michaelis proximo preterita, ubicumque tunc foret, per literas vestras sigillatas; ac vos nobis retornaveritis quod dictas tabernam et tres shopas cum pertinenciis prefato Johanni Burgeys liberastis, tenendas [*as above*] unacum predictis domo [*as above*] quousque sibi [*as above*] juxta tenorem brevis nostri predicti, sicut per certificationem vestram predictam nobis in Cancellaria nostra nuper missam plene liquet.

Jamque ex parte prefati Johannis Walden' nobis sit supplicatum ut, cum eidem Johanni Burgeys de predictis quadraginta marcis unacum dampnis et expensis suis in hac parte habitis a diu est plene sit satisfactum, velimus dictas tabernam et tres shopas in manum nostram resum i et eas prefato Johanni Walden' liberari jubere, nos volentes in hac parte fieri quod est justum, vobis precipimus quod scire faciatis prefato Johanni Burgeys quod sit coram nobis in Cancellaria nostra in crastino Sancti Martini proximo futuro, ubicumque tunc fuerit, ad ostendendum si quid [*etc.*] quare dicte taberna et tres shope in manum nostram resum i et prefato Johanni Walden' liberari non debeant. Et insuper ad computandum et satisfaciendum eidem Johanni Walden de denariis, si quos inde ultra dictas quadraginta marcas ac dampna et expensas sua predicta levaverit. Et ad ulterius faciendum [*as before*] quod curia nostra consideraverit in hac parte. Et habeatis ibi nomina illorum per quos ei scire feceritis et hoc breve. Teste me ipso apud

said tavern and three shops, with the appurtenances, ought not to be resumed into our hand and delivered to the before-mentioned John Burgeys, to be held in the form aforesaid ; and to do further and receive what our court should award in the premises. And you did return that you had made the before-mentioned John Walden, tenant of the tavern and three shops aforesaid, to know that he should be before us in our Chancery at the day aforesaid to do what our said writ required. And because the same John Walden in the Chancery aforesaid at the said day solemnly called came not, on the third day of July last past we did order you by our other writ that you should resume the said tavern and three shops with the appurtenances into our hand and deliver them to the before-mentioned John Burgeys, to hold to him to his heirs and to his assigns as his free tenement, by extent thereof made at another time, together with the aforesaid brew-house and one shop before delivered to him, until satisfaction should be made to him in respect of the aforesaid forty mares and his disbursements and expenses aforesaid ; and in what manner you should have executed our said precept, you were to make us to know in our Chancery in the Quindisme of S. Michael last past, wheresoever it should then be, by your letters sealed ; and you did return to us that you had delivered the said tavern and three shops with the appurtenances to the before-mentioned John Burgeys, to be held [*as above*], together with the aforesaid house [*as above*] until to him [*as above*] according to the tenor of our writ aforesaid, as by your certification aforesaid lately sent to us in our Chancery, fully appears.

And now on behalf of the aforesaid John Walden supplication is made to us that whereas satisfaction has been fully made to the same John Burgeys in respect of the aforesaid forty mares together with his damages and expenses sustained in this behalf, we may be pleased to order the said tavern and three shops to be resumed into our hand and delivered to the before-mentioned John Walden, we, willing that what is just may be done in this behalf, order you that you do make John Burgeys to know that he is to be before us in our Chancery on the Morrow of S. Martin next to come, wheresoever it shall then be, to show if anything, etc., wherefore the said tavern and three shops ought not to be resumed into our hand and delivered to the before-mentioned John Walden. And moreover to account to and satisfy the same John Walden in respect of moneys, if he shall have levied any therefrom beyond the said forty mares and his damages and expenses aforesaid. And further to do [*as before*] what our court shall have awarded in this behalf. And you are to have there the names of those by whom you made him to know, and this writ. Witness myself, at

Westmonasterium, xviiij die Octobris, anno regni nostri Anglie quadragesimo tercio, regni vero nostri Francie tricesimo.

Ad quem diem tam predictus Johannes Burgeys quam prefatus Johannes Walden' in propriis personis suis venerunt, et datus est eis dies coram domino Rege in Quindena Sancti Hillarii proximo futura, ubicumque tunc fuerit in Anglia, ad faciendum et recipiendum quod justum fuerit in premissis.¹

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Qui quidem Johannes Walden' et Johannes Burgeys coram domino Rege ad prefatam Quindenam Sancti Hillarii comparuerunt. Et datus est eis dies coram domino Rege a die Pasche in tres septimanas, ubicumque, etc., in statu quo nunc, etc., salvis partibus rationibus, etc. Ad quem diem coram domino Rege venerunt partes predictae per attornatos suos. Et predictus Johannes Walden' petit quod predicta taberna et tres shope cum pertinenciis in manum Regis resumantur et predicto Johanni reliberentur; et quod idem Johannes Burgeys computet² cum prefato Johanne de Walden, etc. Et predictus Johannes Burgeys dicit quod predictus Johannes Walden' virtute adnull[acionis] executionis statuti predicti in quandam shopam que valet per annum sexaginta solidos, et plus, ultra dictam propartem suam, intravit et tenet; et hoc petit quod inquiratur per patriam, etc.

Et predictus Johannes Walden' dicit quod ipse non tenet nec intravit plus quam propartem suam, videlicet in tabernam et tres shopas predictas, sibi ut premittitur liberatas; et de hoc ponit se super patriam. Et predictus Johannes Burgeys similiter.

Ideo preceptum est vicecomitibus Londonie quod venire faciant coram domino Rege in Octabis Sancte Trinitatis ubicumque, etc., xxiiij tam cives, etc., de visneto predicto, per quos, etc.; et qui nec, etc., ad recognicionem, etc. Quia tam, etc.

Ad quem diem jurata inter partes predictas posita fuit in respectum coram domino Rege a die Sancti Michaelis in xv. dies, ubicumque, etc., nisi dilectus et fidelis Regis Thomas de Ingelby, unus justiciariorum domini Regis ad placita coram domini Regis tenenda assignatus, prius, die Lune proxima post festum Translationis Sancti Thome Martiri, apud Sanctum Martinum Magnum Londonie venerit, etc.

Ad quam Quindenam Sancti Michaelis coram domino Rege prefatus justiciarius tulit hic recordum coram eo habitum in hec verba:

¹ Attorneys are appointed by the parties.

² 'computat' in roll.

Westminster, the 18th day of October, in the forty-third year of our reign of England but of our reign of France the thirtieth.

At which day as well the aforesaid John Burgeys as the before-mentioned John Walden in their proper persons came, and a day was given to them before the lord King in the Quindisme of S. Hilary next to come, wheresoever he might then be in England, to do and to receive what shall be just in the premises.

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Which John Walden and John Burgeys indeed appeared before the lord King at the before-mentioned Quindisme of S. Hilary. And a day was given to them before the lord King in three weeks of Easter Day, wheresoever, etc., in the state in which now, etc., saving to the parties their reasonings, etc. At which day before the lord King came the parties aforesaid by their attorneys. And the aforesaid John Walden asks that the aforesaid tavern and three shops, with the appurtenances, may be resumed into the King's hand and delivered again to the aforesaid John; and that the same John Burgeys do account with the before-mentioned John Walden, etc. And the aforesaid John Burgeys says that the aforesaid John Walden, by virtue of the annulling of execution of the statute aforesaid, has entered upon a certain shop which is worth by the year sixty shillings and more, beyond his said purparty, and holds it; and this he [Burgeys] asks that it may be inquired by the country, etc.

And the aforesaid John Walden says that he himself holds not nor has entered on more than his purparty, namely into the tavern and three shops aforesaid delivered to him as is premised; and as to this he puts himself upon the country. And the aforesaid John Burgeys likewise.

Therefore precept is made to the sheriffs of London that they make to come before the King in the Octaves of the Holy Trinity, wheresoever, etc., 24 as well citizens, etc., of the neighbourhood aforesaid; by whom, etc.; and who neither, etc., to make recognition, etc. Because as well, etc.

At which day the jury between the parties aforesaid was put in respite—before the King 15 days from the Day of S. Michael, wheresoever, etc.—unless the King's beloved and trusty Thomas of Ingleby, one of the justices of the lord King assigned for pleas to be held before the lord King, shall first come to S. Martin the Great of London, on Monday next after the feast of the Translation of S. Thomas the Martyr, etc.

At which Quindisme of S. Michael before the lord King the before-mentioned justice brought here the record had before him in these words :

Postea, die et loco infracontentis, coram Thoma de Ingelby, associato sibi Roberto de Wyghthull' per formam statuti, etc., venit predictus Johannes Burgeys infranominatus in propria persona sua ; et predictus Johannes Walden', licet solempniter vocatus, non venit, etc.

Ideo consideratum est quod idem Johannes de Walden'¹ nichil capiat per sectam suam, etc. Et predictus Johannes Burgeys ad presens inde sine die, etc.

40. ²CURIA DOMINI REGIS STAPULE SUE EXONIE, IBIDEM TENTA DIE MARTIS PROXIMA POST FESTUM EPIPHANIE DOMINI, ANNO REGNI REGIS HENRICI SEXTI TRICESIMO. (1452.)

Ricardus Dobbe, mercator stapule Exonie, queritur de Willelmo Prous de placito debiti super demandam quadraginta solidorum ; plegii de proseguendo Nicholaus Berton et Henricus Dene. Et predictus Willelmus, per ballivum Stapule predictae captus, in propria persona sua venit.

Willelmus Prous summonitus fuit ad respondendum Ricardo Dobbe mercatori stapule Exonie de placito quod reddat ei quadraginta solidos sterlingorum quos ei debet et injuste detinet. Et unde idem Ricardus in propria persona sua dicit quod cum predictus Willelmus, vicesimo die Novembris, anno regni Regis Henrici sexti vicesimo septimo, hic apud Exoniam, infra jurisdictionem stapule, emisset de prefato Ricardo cciiij lagenas cervisie, emptione assise,³ pro precio quadraginta solidorum ; solvendas eidem Ricardo ad festum Pasche tunc proximo sequens ; predictus tamen Willelmus, licet sepius requisitus, predictos quadraginta solidos prefato Ricardo nondum reddidit, set eos ei hucusque reddere omnino contradixit et adhuc contradicit ; unde dicit quod deterioratus est et dampnum habet, ad valenciam centum solidorum, et inde producit sectam, etc.

Et predictus Willelmus, exactus, in propria persona sua venit ; et dicit quod ipse debet et injuste detinet prefato Ricardo predictos quadraginta solidos, modo et forma quibus predictus Ricardus superius versus eum narravit. Ideo concessum est per prefatos majorem et constabularios quod predictus Ricardus recuperaret versus prefatum Willelmum predictos quadraginta solidos, simul cum tribus solidis et quatuor denariis pro dampno, misis et custagiis suis circa sectam

¹ Such inconsistency of nomenclature was not uncommon in this period.

² Records of the City of Exeter, Miscellaneous Rolls, No. 13. For other cases from these archives, see *Law Merchant*, vol. i, p. 116 sq.

³ The bargain was thus within the jurisdiction of the Staple.

Afterwards on the day and in the place contained above, before Thomas de Ingleby, having associated with himself Robert de Wyght-hull¹ by the form of the Statute, etc., comes the aforesaid John Burgeys, before named, in his proper person; and the aforesaid John Walden, though solemnly called, does not come, etc.

Therefore it is awarded that the same John Walden take nothing by his suit, etc. And the aforesaid John Burgeys is to be at present without a day in the case, etc.

40. THE COURT OF THE LORD KING OF HIS STAPLE OF EXETER, HELD THERE ON TUESDAY NEXT AFTER THE FEAST OF THE EPIPHANY OF OUR LORD, IN THE THIRTIETH YEAR OF THE REIGN OF KING HENRY THE SIXTH. (1452.)

Richard Dobbe, merchant of the staple of Exeter, complains of William Prous in a plea of debt upon demand of forty shillings; pledges of prosecuting Nicholas Berton and Henry Dene. And the aforesaid William, taken by the bailiff of the Staple aforesaid, comes in his proper person.

William Prous was summoned to answer Richard Dobbe, merchant of the staple of Exeter, in a plea that he render to him forty shillings sterling which he owes to him and unjustly detains. And thereupon the aforesaid Richard in his proper person says whereas the aforesaid William, on the twentieth day of November in the twenty-seventh year of the reign of King Henry the Sixth, here, at Exeter, within the jurisdiction of the Staple, had bought of the before-mentioned Richard 204 gallons of beer, at purchase of assize, for the price of forty shillings, to be paid to the same Richard at the Feast of Easter then next following; the aforesaid William, however, though often required, has not yet rendered the aforesaid forty shillings to the before-mentioned Richard, but has hitherto wholly refused to render them to him, and yet refuses; whereupon he says that he is the worse and has loss to the value of one hundred shillings, and thereof he produces suit, etc.

And the aforesaid William, exacted, in his proper person comes; and he says that he himself owes and unjustly detains from the before-mentioned Richard the aforesaid forty shillings in manner and form in which the aforesaid Richard has counted against him above. Therefore it is awarded by the before-mentioned mayor and constables that the aforesaid Richard should recover against the before-mentioned William the aforesaid forty shillings, together with three shillings and fourpence for his damage, disbursements and costs applied about the

¹ Elsewhere commissioner for Oxfordshire.

predictam appositis, per prefatos majorem et constabularios taxatis.
 Misericordia. Et predictus Willelmus in misericordia, etc.

41. ¹CURIA STAPULE CIVITATIS EXONIE IBIDEM TENTA CORAM JOHANNE COTELER, MAJORE EJUSDEM STAPULE, WILLELMO BISSHOPP ET JOHANNE BEAUFITZ, CONSTABULARIIS EJUSDEM STAPULE, DIE JOVIS PROXIMA ANTE FESTUM SANCTI GREGORII PAPE, ANNO REGNI REGIS HENRICI SEXTI TRICESIMO QUARTO. (1456.)

Thomas Loveney et Thomas Gille, junior, mercatores stapule Exonie, queruntur de Roberto Toly de placito debiti super demandam centum librarum ; plegii de proseguendo, Johannes Bryther et Johannes Scotyngdon. Et predictus Robertus, per Henricum Trethyn ballivum stapule predicte, virtute querele, captus, in propria persona sua venit. Et super hoc predictus Thomas Gille ponit loco suo prefatum Thomam Loveney versus prefatum Robertum de placito predicto.

Robertus Toly summonitus fuit ad respondendum Thome Loveney et Thome Gille Juniori, mercatoribus stapule Exonie, de placito quod reddat eis centum libras sterlingorum quas eis debet et injuste detinet. Et unde predictus Thomas Loveney, in propria persona sua, et predictus Thomas Gille, per prefatum Thomam Loveney attornatum suum predictum, dicunt quod, cum predictus Robertus Toly, septimo die Januarii, anno regni Regis Henrici Sexti tricesimo primo, hic apud Exoniam infra jurisdictionem Stapule ibidem, per quoddam scriptum suum obligatorium ² concessisset se teneri et obligari prefatis Thome Loveney et Thome Gille in predictis centum libris sterlingorum, solvendis eisdem Thome Loveney et Thome Gille in Festo Purificacionis Beate Marie tunc proximo sequente ; et ad solutionem illam bene et fideliter faciendam obligasset se, heredes et executores suos per scriptum predictum, predictus tamen Robertus, licet postea sepius requisitus fuisset, predictas centum libras prefatis Thome Loveney et Thome Gille nondum reddidit, set eas eis hucusque omnino reddere contradixit et adhuc contradicit ; unde dicunt quod deteriorati sunt, et dampnum habent ad valenciam viginti librarum. Et unde producunt sectam, etc. Et proferunt ³ hic in curia predictum scriptum quod debitum predictum testatur in forma predicta, cujus datum est die et anno supradictis.

Et predictus Robertus, per ballivum predictum, ut prefertur, captus,

¹ Records of the City of Exeter, Miscellaneous Rolls, No. 14.

² In this case proceedings are taken on a statutory bond.

³ ' profert ' in roll.

suit aforesaid, taxed by the before-mentioned mayor and constables. And the aforesaid William in mercy, etc.

41. COURT OF THE STAPLE OF THE CITY OF EXETER HELD THERE BEFORE JOHN COTELER, MAYOR OF THE SAME STAPLE, WILLIAM BISSHOP AND JOHN BEAUFITZ, CONSTABLES OF THE SAME STAPLE. ON THURSDAY NEXT BEFORE THE FEAST OF S. GREGORY THE POPE IN THE THIRTY-FOURTH YEAR OF THE REIGN OF KING HENRY THE SIXTH. (1456.)

Thomas Loveney and Thomas Gille, Junior, merchants of the Staple of Exeter, complain of Robert Toly on a plea of debt upon demand of one hundred pounds ; pledges of prosecuting John Bryther and John Scotyngdon. And the aforesaid Robert, taken by Henry Trathyn, bailiff of the Staple aforesaid by virtue of a complaint, in his proper person comes. And hereupon the aforesaid Thomas Gille puts in his place the before-mentioned Thomas Loveney against the before-mentioned Robert in respect of the plea aforesaid.

Robert Toly was summoned to answer Thomas Loveney and Thomas Gille, the younger, merchants of the Staple of Exeter, on a plea that he do render to them one hundred pounds sterling which he owes to them and unjustly detains. And thereupon the aforesaid Thomas Loveney, in his proper person, and the aforesaid Thomas Gille, by the before-mentioned Thomas Loveney his attorney, say that whereas the aforesaid Robert Toly, on the seventh day of January in the thirty-first year of the reign of King Henry the Sixth, here at Exeter, within the jurisdiction of the Staple there, by a certain writing obligatory of his, had granted that he was bound and obliged to the before-mentioned Thomas Loveney and Thomas Gille in the aforesaid one hundred pounds sterling, to be paid to the same Thomas Loveney and Thomas Gille in the Feast of the Purification of the Blessed Mary then next following, and for that payment to be well and faithfully made he had bound himself, his heirs and executors by the writing aforesaid, yet the aforesaid Robert, though afterwards he had been often required, has not yet rendered the aforesaid hundred pounds to the before-mentioned Thomas Loveney and Thomas Gille, but has hitherto utterly refused to render those to them, and yet refuses, whereby they say that they are the worse and have loss to the value of twenty pounds ; and whereof they produce suit, etc. And they proffer here in court the aforesaid writing which testifies the debt aforesaid in the form aforesaid, the date of which is in the day and year abovesaid.

And the aforesaid Robert, taken as previously stated by the bailiff

in propria persona sua venit, et defendit vim et injuriam, quando, etc. Et petit inde diem interloquendi et habet, etc., usque diem Sabbati proximo futuro, ad horam nonam ante meridiem eiusdem diei. Idem dies et eadem hora datus est partibus predictis, in forma predicta comparentibus coram prefatis majore et constabulariis hic, etc.

Ad quem diem, scilicet diem Sabbati proximam post Festum Sancti Gregorii Pape, anno regni predicti domini Regis nostri tricesimo quarto, coram prefatis majore et constabulariis hic, etc., venit predictus Thomas Loveney, in propria persona sua, et predictus Thomas Gille, per Thomam Loveney attornatum suum predictum, et optulit se versus prefatum Robertum Toly de placito predicto. Et predictus Robertus, in propria persona sua, similiter venit; et petit auditum narrationis predictae. Et ei legitur. Qua audita idem Robertus petit iudicium si predicto Thome Loveney respondere debeat. Et dicit quod predictus Thomas Loveney utlegatus est ad sectam domini Regis in Banco ejusdem Regis. Et vicecomes, per ministros suos, virtute brevis dicti domini Regis de *Capias Utlegatum*, arestavit prefatum Thomam Loveney in presencia predictorum majoris et constabulariorum hic, apud Exoniam, die Jovis proxima ante Festum Sancti Gregorii Pape, anno regni predicti domini Regis nostri tricesimo quarto. Et ex quo prefatus Thomas Gille, communiter cum prefato Thoma Loveney ut prefertur utlegato, protulit hic in curia accionem predictam coram prefatis majore et constabulariis, non intendit quod ipse prefato Thome Gille respondere debeat.

Et predicti Thomas Loveney et Thomas Gille, ex quo ipsi versus prefatum Robertum Toly superius sufficienter narraverunt, ad quem narrationem predictus Robertus sufficienter non respondit, et ad placitum predictum per prefatum Robertum superius in forma predicta placitatum necesse non habent respondere, eo quod placitum illud insufficiens est in lege, petunt iudicium et, pro defectu responsi, debitum et dampna sua predicta eis adjudicari. Et quia curia avisari vult de iudicio suo inde reddendo, dies datus est partibus predictis coram majore et constabulariis, hic, in die Jovis proximo futuro, ad audiendum inde iudicium suum, etc.

Ad quem diem, scilicet die Jovis proxima ante diem Dominicam in Ramis Palmarum, anno regni predicti domini Regis nunc tricesimo quarto, coram prefatis majore et constabulariis, hic, etc., venit ¹ predictus Thomas Loveney, in propria persona sua; et predictus Thomas Gille, per attornatum suum predictum, similiter venit. Et

¹ ' venit tam ' in roll.

aforesaid, in his proper person comes and defends force and injury, when, etc. And he asks a day for imparling thereof and has it, etc., until the Saturday next to come, at the hour of nine before noon of the same day. The same day, at the same hour, is given to the parties aforesaid to be present in the form aforesaid before the above-mentioned mayor and constables here, etc.

At which day, namely on Saturday next after the Feast of S. Gregory the Pope in the thirty-fourth year of the lord King, before the above-mentioned mayor and constables here, etc., comes the aforesaid Thomas Loveney, in his proper person, and the aforesaid Thomas Gille, by Thomas Loveney his attorney aforesaid, and offered himself against the before-mentioned Robert Toly in the plea aforesaid. And the aforesaid Robert in his proper person likewise comes; and he asks for a hearing of the count aforesaid. And it is read to him. And after hearing this the same Robert asks judgment if he ought to answer the aforesaid Thomas Loveney. And he says that the aforesaid Thomas Loveney is outlawed at the suit of the lord King in the Bench of the same King. And the sheriff by his ministers in virtue of the writ of the said lord King of *capias utlegatum* arrested the before-mentioned Thomas Loveney in the presence of the aforesaid mayor and constables here at Exeter on Thursday next before the Feast of S. Gregory the Pope, in the thirty-fourth year of the reign of the aforesaid lord King. And inasmuch as the before-mentioned Thomas Gille, in common with the before-mentioned Thomas Loveney, outlawed as before said, brought the action aforesaid in the court here before the above-mentioned mayor and constables, he does not deem that he is bound to answer the before-mentioned Thomas Gille.

And the aforesaid Thomas Loveney and Thomas Gille, inasmuch as they have counted sufficiently against the aforesaid Robert Toly, to which count the aforesaid Robert has not answered sufficiently, and it is not necessary for them to answer to a plea pleaded as above in the form aforesaid because that plea is insufficient in law, demand judgment and, for default of answer, the debt and their damages aforesaid to be awarded to them. And because the court wishes to be advised as to its judgment to be rendered thereof, a day is given to the parties aforesaid before the mayor and constables, here, on Thursday next to come, to hear their judgment thereof, etc.

At which day, namely on Thursday next before Palm Sunday in the thirty-fourth year of the aforesaid now lord King, before the before-mentioned mayor and constables, here, etc., comes the aforesaid Thomas Loveney in his proper person, and the aforesaid Thomas Gille by his attorney aforesaid likewise comes. And the aforesaid

predictus Robertus Toly, in propria persona sua, similiter venit. Et quia curia avisari vult de iudicio suo inde reddendo, dies datus est partibus predictis in forma predicta coram prefatis majore et constabulariis hic, etc., die Jovis proxima post Festum Sancti Ambrosii Episcopi proximo futurum, ad audiendum inde iudicium suum, etc.

Et auditis et intellectis per curiam recordo et processu predictis consideratum est per prefatos majorem et constabularios, tunc ibidem, quod predicti Thomas Loveney et Thomas Gille recuperent versus predictum Robertum Toly predictas centum libras similiter cum viginti solidis pro dampnis, misis et custagiis suis circa sectam suam appositis. Et idem Robertus in misericordia, etc. Et super hoc predictus Robertus commissus est prisone domini Regis Stapule predictae, ibidem moraturus quousque, etc.

Misericordia.
xvs.

Postea, scilicet tercio die Aprilis tunc proximo sequente, predicti Thomas Loveney et Thomas Gille coram prefatis majore et constabulariis hic, etc., cognoverunt se plenarie satisfactos de debito, dampno, misis et custagiis predictis. Et predictus Robertus deliberatus est a prisona.

42. PROCEEDINGS ON A RECOGNIZANCE 'IN THE NATURE OF A STATUTE STAPLE.'

Butteler v. Brette and Ryggewell (23 Henry VIII). (1532.)

¹Henricus octavus dei gratia Anglie et Francie Rex, Fidei Defensor, et Dominus Hibernie, vicecomiti Essexie, salutem. Quia Alexandrus Brette de Prytwell in comitatu tuo, yoman, et Johannes Regewell de eadem in eodem comitatu tuo, yoman, quinto decimo die Aprilis anno regni Regis Henrici Septimi quinto decimo, coram Henrico Collet, milite, tunc majore Stapule Westmonasterii ad recogniciones debitorum in eadem stapula accipiendas deputato, cognoverunt se et eorum utrumque per se pro toto et insolido debere Ricardo Boteler, civi et grocero Londonie jam defuncto, quadraginta libras sterlingorum quas ei solvisse debuissent in festo Sancti Michaelis Archangeli tunc proximo futuro et eas ei nondum solverunt nec eorum alter adhuc solvit, ut dicitur, tibi precipimus quod corpora predictorum Alexandri et Johannis, si laici sint, capi et in prisona nostra, donec Willelmo Butteler, militi,

¹ Proceedings on Statutes Staple (Rolls Chapel), Bdlc. 22 (21-23 Henry VIII). For various Entry Books of such Recognizances from 1532 to 1779, see Appendix, p. 125 sq. This and the following records, though classified as 'Judicial Proceedings,' are mainly writs with the 'Extents' thereon, though subsidiary proceedings may have been formerly attached to these as in the Petty Bag Office record printed below (p. 78).

Robert Toly in his own proper person likewise comes. And because the court wishes to be advised as to its judgment to be rendered thereof, a day is given to the parties aforesaid in the form aforesaid before the above-mentioned mayor and constables, here, etc., on Thursday next after the Feast of S. Ambrose the Bishop, next to come, to hear their judgment thereof, etc.

And after the record and process aforesaid had been heard and understood by the court, it was awarded by the before-mentioned mayor and constables then present there that the aforesaid Thomas Loveney and Thomas Gille should recover against the aforesaid Robert Toly the aforesaid hundred pounds and likewise twenty shillings for their damages, disbursements and costs applied about their suit. And the same Robert in mercy, etc. And hereupon the aforesaid Robert is committed to the lord King's prison of the Staple aforesaid, there to remain until, etc.

Mercy, 15s.

Afterwards, namely on the third day of April then next following, the aforesaid Thomas Loveney and Thomas Gille before the above-mentioned mayor and constables, here, etc., acknowledged that they were fully satisfied in respect of the debt, damage, disbursements and costs aforesaid. And the aforesaid Robert is delivered from prison.

42. RECOGNIZANCES 'IN THE NATURE OF STATUTES STAPLE' (1532-1622).¹

Butteler v. Brette and Ryggewelle (23 Henry VIII). (1532.)

Henry by the grace of God King of England and France, Defender of the Faith, and Lord of Ireland, to the sheriff of Essex, greeting. Because Alexander Brett of Prittlewell in thy county, yeoman, and John Ridgwell of the same in that same county of thine, yeoman, on the fifteenth day of April in the fifteenth year of the reign of King Henry the Seventh, before Henry Collet, knight, then mayor of the Staple of Westminster, appointed to take recognitions of debts in the same staple, acknowledged that they and either of them by himself, for the whole and in solidarity, owe to Richard Butler, citizen and grocer of London, now defunct, forty pounds sterling which they ought to have paid to him in the Feast of S. Michael the Archangel then next to come, and them to him have not yet paid, nor has either of them yet paid, as it is said, we order thee that thou do make the bodies of the aforesaid Alexander and John, if they be laymen, to be taken and safely kept in our prison until they shall have fully satisfied William Butler,

¹ For the title and description of this and the following cases (Nos. 42 to 46) see below, Appendix, pp. 124-129, and Introduction, pp. xxviii, xxix and lxxxiii-lxxxvi.

civi et aldermanno Londonie, executori testamenti predicti Ricardi Boteler, de debito predicto plene satisfecerint, salvo custodiri ; et omnia terras et catalla ipsorum Alexandri et Johannis in balliva tua per sacramentum proborum et legalium hominum de eadem balliva tua per quos rei veritas melius sciri poterit, juxta verum valorem eorundem diligenter [extendi]¹ et appreciari et in manum [nostram]¹ seisiri facias, ut ea prefato executori, quousque sibi de debito predicto plene satisfactum fuerit, liberari facias, juxta formam Ordinacionis inde facte. Et qualiter hoc preceptum nostrum fueris executus, sciri facias nobis in Cancellariam nostram in Octavis Sancti Johannis Baptiste proximo futuris, ubicunque tunc fuerit, per litteras tuas sigillatas. Et habeas ibi hoc breve. Teste me ipso apud Westmonasterium, vj die Marcii anno regni Regis vicesimo tercio.

[*Indorsed*] Virtute istius brevis, michi directi, domino Regi in Cancellaria sua certifico quod Alexandrus Brett et Johannes Ryggewell infranominati diu ante recepcionem istius brevis mortui sunt ; et quod virtute istius brevis omnia terras et tenementa dictorum Alexandri et Johannis Riggewell in balliva mea per sacramentum proborum et legalium hominum de eadem balliva mea diligenter extendi feci prout patet per inquisitionem huic brevi annexa.

Que quidem terre et tenementa sic extenta in manum domini Regis seisiri feci ut eadem terras et tenementa liberare possum prout interius michi precipitur.

Responsum. Execucio istius brevis patet in quadam inquisicione huic brevi annexa.

Johannes Smyth, Armiger,
Vicecomes.

Essex.

[*Inquisition annexed*] Inquisicio capta apud Brendwood in comitatu Essexie predicto vicesimo nono die Maii, anno regni regis Henrici Octavi post conquestum Anglie vicesimo quarto ; coram me, Johanne Smyth armigero, vicecomiti comitatus predicti, virtute brevis domini Regis, michi prefato vicecomiti directe et huic inquisitioni consute ; ad inquirendum de diversis articulis in dicto brevi specificatis, per sacramentum Roberti Pease [*and eleven other jurors*] proborum et legalium hominum de balliva mea. Qui dicunt, super sacramentum suum, quod tempore recognicionis debiti in dicto brevi specificate, ac diu antea et postea, Alexandrus Brett de Prytwell in comitatu predicto, yoman, et Johannes Ryggewell de eadem in eodem comitatu, yoman, simul cum diversis

¹ The words in square brackets are omitted in the record.

knight, citizen and alderman of London, executor of the testament of the aforesaid Richard Butler, in respect of the debt aforesaid, and thou art to make all the lands and chattels of them, Alexander and John, in thy bailiwick, to be diligently extended and appraised by the oath of good and lawful men of thy same bailiwick by whom the truth of the matter can best be known, according to the true value of the same, and to be seized into our hand, in order that thou mayest make them to be delivered to the before-mentioned executor until he shall have been fully satisfied in respect of the debt aforesaid, according to the form of the Ordinance thereof made. And in what manner thou shalt have executed this our precept, thou shalt make us to know, by your letters under seal, in our Chancery, in the Octaves of S. John the Baptist next to come, wheresoever it shall then be. And thou art to have there this writ. Witness myself, at Westminster, the 6th day of March in the twenty-third year of the reign of the King.

[*Indorsed*] By virtue of this writ directed to me I certify the lord King in his Chancery that Alexander Brett and John Ridgwell named within were dead long before the receipt of this writ ; and that by virtue of this writ I have caused all the lands and tenements of the said Alexander and John Ridgwell in my bailiwick to be diligently extended by the oath of good and lawful men of the same my bailiwick, as appears by the inquisition annexed to this writ.

Which lands and tenements, indeed, so extended, I have caused to be seized into the hand of the lord King in order that I may be able to deliver the same lands and tenements as within I am ordered.

Answer : The execution of this writ is seen in a certain inquisition annexed to this writ.

John Smyth, Esquire,
Sheriff.

Essex.

[*Inquisition annexed*] Inquisition taken at Brentwood in the county of Essex aforesaid on the twenty-ninth day of May in the twenty-fourth year of the reign of King Henry the Eighth after the Conquest of England ; before me, John Smyth, esquire, sheriff of the county aforesaid, by virtue of a writ of the lord King directed to me the before-mentioned sheriff and sewn on to this inquisition ; to inquire of divers articles specified in the said writ, by the oath of Robert Pease [*and eleven other jurors*], good and lawful men of my bailiwick. Who say upon their oath that at the time of the recognition of the debt specified in the said writ, and long before and after, Alexander Brett of Prittlewell in the county aforesaid, yeoman, and John Ridgwell, of the same, in the same

aliis personis, juratoribus predictis ignotis, feoffati ac seisiti fuerunt in dominico suo ut de feodo, ad usum eorundem Alexandri et Johannis Ryggewelle, in dicto brevi nominatorum, et heredum suorum de et in uno clauso sive pastura continente sex acras terre jacentes et existentes in Prytwell in comitatu predicto, modo in tenura Roberti Byglyn de Prytwell predicto in comitatu predicto, yoman; ac de et in duobus messuagiis sive tenementis ac de duobis clausis sive pasturis, continentibus per estimacionem viginti acras terre sive pasture, cum pertinenciis, in Canyngdon in comitatu predicto; quorum alterum tenementum predictum est modo in tenura et occupacione Johannis Wolballe et alterum in tenura et occupacione Johannis Peache. Necnon de et in uno cotagio cum pertinenciis jacente et existente in Canyngdon predicto in comitatu predicto in quo quedam Alicia ¹ modo inhabitat. Que quidem clausum, messuagium cotagium, terre et tenementa predicta, cum pertinenciis, valent per annum, in omnibus exitibus ultra reprisas, viginti solidos. Et ulterius dicunt juratores predicti quod supradicti Alexandrus et Johannes Ryggewell nulla alia terras sive tenementa neque catalla in balliva mea habuerunt, nec eorum alter habuit, die hujus inquisitionis capte que extendi, apreciari seu in manum domini Regis seisiri potuerunt ad presens. In cujus rei testimonium tam predictus vicecomes quam juratores predicti huic inquisitioni sigilla sua apposuerunt. Data die anno et loco supradictis.

43. PROCEEDINGS ON A RECOGNIZANCE 'IN THE NATURE OF A STATUTE STAPLE.'

Brouke v. Bulmer (28 Henry VIII). (1537.)

²Henricus octavus Dei gratia Anglie et Francie Rex, Fidei Defensor, Dominus Hibernie et in terra supremum caput Anglicane Ecclesie vicecomiti Ebor' salutem.

Quia Willelmus Bulmer de Elmesdon in episcopatu Dunolmensi, miles, decimo septimo die Februarii, anno regni nostri vicesimo sexto, coram venerabili viro Johanne Fitzjames, milite, capitali justiciario nostro ad placita ad recogniciones debitorum accipiendas deputato, recognovit se debere Willelmo Brouke, civi et piscenario Londonie, ducentas marcas sterlingorum, que eidem Willelmo Brouke solvisse debuisset in Festo Annunciacionis Beate Marie Virginis quod erit in anno Domini millesimo quingentesimo tricesimo sexto, tunc proximo futuro, et eas ei nondum solvit, ut dicitur, tibi precipimus quod corpus

¹ Blank in MS.

² Proceedings on Statutes Staple, Bdle. 22 (21-34 Henry VIII).

county, yeoman, together with divers other persons, unknown to the jurors aforesaid, were infeoffed and seised in their demesne as of fee, to the use of the same Alexander and John Ridgwell in the said writ named and of their heirs, of and in one close or pasture containing six acres of land, lying and being in Prittlewell in the county aforesaid, now in the tenure of Robert Beglyn of Prittlewell aforesaid in the county aforesaid, yeoman ; and of and in two messuages or tenements and of two closes or pastures containing by estimation twenty acres of land or pasture with the appurtenances in Canewdon in the county aforesaid ; of which one tenement aforesaid is now in the tenure and occupation of John Wolballe and the other in the tenure and occupation of John Peach. Moreover of and in one cottage with the appurtenances lying and being in Canewdon aforesaid, in which a certain Alice is now inhabiting. Which close, messuage, cottage, lands and tenements indeed aforesaid with the appurtenances are worth by the year, in all issues besides rebates, twenty shillings. And further the jurors aforesaid say that the abovesaid Alexander and John Ridgwell had no other lands or tenements nor chattels in my bailiwick, on the day of the taking of this inquisition, which could be extended, appraised or seized into the hand of the lord King at present. In witness of which thing as well the aforesaid sheriff as the jurors aforesaid have put their seals to this inquisition. Dated in the day and year and place abovesaid.

43. Brouke v. Bulmer (28 Henry VIII). (1537.)

Henry the Eighth, by the grace of God King of England and France, Defender of the Faith, Lord of Ireland, and on Earth Supreme Head of the English Church, to the sheriff of Yorkshire, greeting.

Because William Bulmer of Embledon in the Bishopric of Durham, knight, on the seventeenth day of February in the twenty-sixth year of our reign, before the venerable man John Fitzjames, knight, our chief justice appointed for taking pleas on recognizances of debts, recognized that he owed to William Brouke, citizen and fishmonger of London, two hundred marcs sterling which he ought to have paid to the same William Brouke in the Feast of the Annunciation of the Blessed Mary the Virgin, which shall be in the year of Our Lord one thousand, five hundred and thirty-six, then next to come and has not yet paid them to him, as it is said, we order thee that thou do make

predicti Willelmi Bulmer, si laicus erit, capi et in prisiona nostra, donec eidem Willelmo Brouke de debito predicto plene satisfecerit, salvo custodiri, et omnia terras et catalla ipsius Willelmi Bulmer in balliva tua per sacramentum proborum et legalium hominum de eadem balliva tua, per quos rei veritas melius sciri poterit, juxta verum valorem eorundem diligenter extendi et appreciari et in manum nostram seisiri facias, ut ea prefato Willelmo Brouke, quousque sibi de debito predicto plene satisfactum fuerit, liberari faciamus, juxta formam Statuti apud Westmonasterium pro hujusmodi debitis recuperandis nuper editi et provisi. Et qualiter hoc preceptum nostrum fueris executus, scire facias nobis in cancellariam nostram in Quindena Pasche proxima futura, ubicumque tunc fuerit, per litteras tuas sigillatas. Et habeas ibi hoc breve. Mandavimus enim episcopo nostro Dunolmensi quod corpus predicti Willelmi Bulmer, si laicus sit, capi et in prisiona nostra salvo custodiri, ac omnia terras et catalla ipsius Willelmi Bulmer in ballivis suis extendi et appreciari ac in manum nostram seisiri faciat in forma predicta. Teste me ipso apud Westmonasterium, tercio decimo die Februarii, anno regni nostri vicesimo octavo.

HALES.

[*Indorsed*] Responsum Briaundi Haistynges, militis, vicecomitis.

Executio istius brevis patet in quadam inquisitione huic brevi annexa. Infranominatus Willelmus Bulmer non est inventus in balliva mea.

[*Inquisition annexed*] Inquisicio capta apud Doncastriam, in comitatu Ebor', vicesimo die Marci, anno regni Regis Henrici Octavi post Conquestum vicesimo octavo, coram Briano Haistynges, milite, vicecomite comitatus predicti, virtute brevis domini Regis de statuto eidem vicecomiti directi et huic inquisitioni consuti. Per sacramentum Thome Recard, gentleman, Thome Ellis, gentleman, Lionelli Portyngton, gentleman, Edwardi Haulley, gentleman, Willelmi Arthyngton, gentleman, Radulphi Westby, gentleman, Ricardi Fletcher, gentleman, Petri Bankes, gentleman, Caroli Wormeley, gentleman, Johannis Wayte, yoman, Willelmi Parke, yoman, et Ricardi Power, gentleman, juratorum. Qui dicunt, super sacramentum suum, quod Willelmus Bulmer, in dicto brevi nominatus, die recognitionis predicti statuti, videlicet septimo die Februarii, anno regni Regis Henrici Octavi vicesimo sexto, fuit seisitus de tribus messuagiis, centum acris terre, quadraginta acris prati et centum acris pasture, cum suis pertinenciis, in South Culton annui valoris centum et decem

the body of the aforesaid William Bulmer [*etc., as in No. 42*] in respect of the debt aforesaid, according to the form of the statute lately put forth and provided at Westminster for the recovery of debts of this sort. And in what manner [*etc., as ibid.*] in the Quindisme of Easter next to come [*etc., as ibid.*]. And . . . this writ. For we have sent word to our bishop of Durham that he do make the body [*etc., as above*] in form aforesaid. Witness myself at Westminster, the thirteenth day of February in the twenty-eighth year of our reign.

HALES.

[*Indorsed*] The answer of Briaunde Hastynges, knight, sheriff.

The execution of this writ appears in a certain inquisition annexed to this writ. The within-named William Bulmer has not been found in my bailiwick.

[*Inquisition annexed*] Inquisition taken at Doncaster in the county of Yorkshire on the 20th day of March in the 28th year of King Henry, Eighth after the Conquest, before Brian Haistynges, knight, sheriff of the county aforesaid, by virtue of a writ of the lord King concerning the 'statute' directed to the same sheriff and sewn to this inquisition. By the oath of [12 *named*] jurors. Who say, on their oath, that William Bulmer in the said writ named on the day of the recognition of the aforesaid 'statute,' namely on the seventh day of February in the twenty-sixth year of the reign of King Henry the Eighth, was seised of three messuages, one hundred acres of land, forty acres of meadow, and one hundred acres of pasture with their appurtenances in South Cowton of the annual

solidorum; ac de quinque messuagiis, trescentis acris terre, quadraginta acris prati et ducentis acris pasture, cum pertinentiis, in Culton, vocatis Culton Graunge et Atley Culton, annui valoris undecim librarum, sex solidorum, et octo denariarum; necnon de et in octo messuagiis, mille acris terre, trescentis acris prati et mille acris pasture, cum suis pertinentiis, in Gaterlay, annui valoris sexdecim librarum; que quidem messuagia, terre, tenementa, prata, bosci, pasture, redditu, reversiones et servicia in manum domini Regis, quousque debitum predictum prefato Willelmo Broke plene satisfactum et solutum fuerit, prout per breve predictum michi, prefato vicecomiti, preceptum fuit [seisita sunt]. In cuius rei testimonium tam predictus vicecomes quam juratores predicti huic inquisitioni sigilla sua apposuerint die et anno supradictis.

44. PROCEEDINGS ON A RECOGNIZANCE 'IN THE NATURE OF A STATUTE STAPLE.'

Baldwyn v. Bellamy (11 James I). (1613.)

¹ Jacobus, Dei gratia Anglie, Scotie, Francie, et Hibernie Rex, Fidei Defensor, etc., vicecomitibus Londonie salutem.

Cum per breve nostrum nuper vicecomiti nostro Middelsexe nuper precepimus quod de terris et catallis Faith Bellamy de Preston' in parochia de Harrow super Montem in comitatu Middelsexe predicto, armigeri, sine dilacione levare faceret octoginta libras bone et legalis monete Anglie, quas Willelmus Baldwyn, civis et mercator scissor Londonie, coram nobis in Cancellaria nostra, per iudicium ejusdem curie, versus ipsum Faith nuper recuperavit, sicut per inspectionem recordorum Cancellarie nostre predictae nobis constabat; ita quod eas haberet coram nobis in eadem Cancellaria nostra ad certum diem, jam preteritum, ubicunque tunc foret, prefato Willelmo ibidem liberandas; et quod id nullatenus omitteret; et quod haberet ibi dictum breve nostrum.

Ad quem diem in dicto brevi nostro contentum dictus nuper vicecomes noster comitatus Middelsexe predicti, scilicet Ricardus Pyut et Franciscus Jhones; in Cancellariam nostram predictam retornavit quod prenominatus Faith Bellamy non habuit aliquas terras sive aliqua catalla in balliva sua unde denarios predictos, aut aliquam inde parcellam, levare facere potuit, sicut per retorum inde in filaciis Cancellarie nostre predictae de recordo residens plenius liquet. Vobis igitur precipimus quod corpus predicti Faith Bellamy, si eum in

¹ Petty Bag Office, Statutes Staple, Bdle. 1.

value of one hundred and ten shillings ; and of five messuages, three hundred acres of land, forty acres of meadow and two hundred acres of pasture, with the appurtenances in Cowton called Cowton Grange and Atley Cowton, of the annual value of eleven pounds, six shillings and eightpence ; moreover of and in eight messuages and a thousand acres of land, three hundred acres of meadow and one thousand acres of pasture with its appurtenances in Gaterley of the annual value of sixteen pounds ; which messuages, lands, tenements, meadows, woods, pastures, rents, reversions and services have been seized into the hand of the lord King as was ordered me, the before-mentioned sheriff, by the writ aforesaid. In witness whereof as well the aforesaid sheriff as the jurors aforesaid have affixed their seals to this inquisition, in the day and year abovesaid.

44.**Baldwyn v. Bellamy (11 James I). (1613.)**

James, by the grace of God King of England, Scotland, France and Ireland, Defender of the Faith, and so forth, to the sheriffs of London, greeting.

Whereas by our writ we did order our late sheriff of Middlesex that he should cause to be levied without delay from the lands and chattels of Faith Bellamy of Preston in the parish of Harrow-on-the Hill in the county of Middlesex aforesaid, esquire, eighty pounds of good and lawful money of England which William Baldwyn, citizen and merchant tailor of London before us in our Chancery by judgment of the same court recovered against him, Faith, as by inspection of the records of our Chancery aforesaid was evident to us ; so that he should have them before us in our same Chancery at a certain day (now past), wheresoever it should be, to be delivered to the before-mentioned William there ; and that this he should in no wise omit ; and that he should have there our said writ.

At which day, in our said writ contained, our said late sheriff of our county of Middlesex aforesaid, namely Richard Pyott and Francis Jones, returned into our Chancery aforesaid that the before-named Faith Bellamy had not any lands or any chattels in his bailiwick from which the moneys aforesaid or any parcel thereof could be levied, as by the return thereof remaining of record in the files of our Chancery aforesaid more fully appears. We therefore order you that you are to take the body of the aforesaid Faith Bellamy, if you shall be able to

balliva vestra invenire poteritis, capiat is ac ipsum in prisa nostra, quousque prefato Willelmo de debito predicto plene satisfecerit, salvo custodiri faciat is. Et qualiter hoc preceptum nostrum fuerit executus, scire faciat is nobis in dicta Cancellaria nostra in Crastino Sancte Trinitatis proximo futuro, ubicunque tunc fuerit, per litteras vestras sigillatas. Et habeatis ibi hoc breve. Teste me ipso, apud Westmonasterium, xxix. die Aprilis, anno regni nostri Anglie, Francie et Hibernie undecimo, et Scocie quadragesimo sexto.

PHILIPPS . RA.

45. PROCEEDINGS ON A RECOGNIZANCE 'IN THE NATURE OF A STATUTE STAPLE.'

¹ *Read v. Lloyd* (20 James I). (1622.)

Jacobus Dei Gracia Anglie, Scocie, Francie, et Hibernie Rex, Fidei Defensor, etc., coronatoribus comitatus nostri Radnor', salutem. Quia Johannes Lloyd de B . . . in comitatu Salop' armiger et Hugo Lloyd filius et heres apparens predicti Johannis, vicesimo quinto die Novembris, anno regni nostri Anglie, etc., undecimo et Scocie . . . coram Edwardo Coke milite, tunc capitali justiciario nostro ad placita coram nobis tenenda assignato, recognoverunt se debere Johanni Reade de Londonia, generoso, quadringentas libras quas eidem Johanni Reade solvisse debuissent in festo Nativitatis Domini tunc proximo futuro, et eas ei nondum solverunt, nec eorum alter adhuc solvit, ut dicitur; vobis precipimus quod corpora predictorum Johannis Lloyd et Hugonis Lloyd, si laici sunt, capi et in prisa nostra, donec Johanni Reade, armigero, executori testamenti predicti Johannis Read, generosi, de predictis quadringentis libris plene satisfecerint, salvo custodiri; et omnia terras et catalla ipsorum Johannis Lloyd et Hugonis in comitatu predicto per sacramentum proborum et legalium hominum de eodem comitatu, per quos rei veritas melius sciri poterit, juxta verum valorem eorundem diligenter extendi et appreciari et in manum nostram seisiri faciat is, ut ea prefato executori, quousque sibi de predictis quadringentis libris plenius satisfactum fuerit, liberari faciat is, juxta formam Statuti apud Westmonasterium pro hujusmodi debitis recipiendis inde editi et provisi. Et qualiter hoc preceptum nostrum fuerit executi, scire faciat is nobis in Cancellariam nostram a die Sancte Trinitatis in tres septimanas proximo futura, ubicunque tunc fuerit, per literas vestras sigillatas. Et habeatis ibi hoc breve: mandavimus

¹ Petty Bag Office, Statutes Staple, Bdle. 1. See above, Introduction, p. xxviii, and below, Appendix, pp. 125, 130.

find him in your bailiwick, and cause him to be safely kept in our prison until he shall have satisfied the before-mentioned William in respect of the debt aforesaid. And in what manner you shall have executed this our precept, you are to make us to know in our said Chancery on the Morrow of the Holy Trinity next to come, wheresoever it shall then be, by your letters sealed. And you are to have here this writ. Witness myself at Westminster, the twenty-ninth day of April in the eleventh year of our reign of England, France and Ireland and of Scotland the forty-sixth.

PHILIPPS . RA.

45.

Read v. Lloyd (20 James I). (1622.)

James [*etc., as in No. 44*] to the coroners of our county of Radnor, greeting. Because John Lloyd of B . . . in the county of Shropshire, esquire, and Hugh Lloyd, son and heir apparent of the aforesaid John, on the twenty-fifth day of November in the eleventh year of our reign of England and of Scotland . . . before Edward Coke, knight, then our chief justice assigned for pleas to be held before us, recognized that they owed to John Reade of London, gentleman, forty pounds which they ought to have paid to the same John Reade in the Feast of the Nativity of Our Lord then next to come, and have not yet paid them to him, nor has either of them yet paid, as it is said; we order you that you shall cause the bodies of the aforesaid John Lloyd and Hugh Lloyd [*etc., in the form of No. 42*] and all the lands and chattels of them . . . in the county aforesaid [*etc., as ibid.*]. And in what manner . . . in three weeks from the Day of the Holy Trinity next to come [*etc., as ibid.*]. For we have commanded our sheriff of Shropshire [*as in No. 43*].

enim vicecomiti nostro Salopesire quod corpora predictorum Johannis Lloyd et Hugonis, si laici sint, capi et in prisona nostra salvo custodiri ; et omnia terras et catalla ipsorum Johannis Lloyd et Hugonis in balliva sua diligenter extendi et appreciari, et in manum nostram seisiri faciat, in forma predicta.

Teste me ipso apud Westmonasterium, xxj die Junii, anno regni nostri Anglie, Francie et Hibernie vicesimo et Scocie quinquagesimo quinto.

Quia prefatus Johannes Read est vicecomes comitatus Radnor' predicti, ideo fiat executio per coronatores predictos.¹

EDMONDES.

[*Indorsed*] Infra nominati Johannes et Hugo laici sunt et non sunt inventi in comitatu infrascripto residentes. Executio istius brevis patet in quadam inquisicione huic brevi annexa.

Responsum Johannis Griffith et Francisci Rickards, coronatorum.

Radnor.

[*Inquisition annexed*] Inquisicio indentata capta apud Presteigne in comitatu predicto, vicesimo quinto die Junii, anno regni domini nostri Jacobi, Dei gracia Anglie [*etc.*] Regis [*etc.*] vicesimo et Scocie [*etc.*] coram . . . coronatoribus [*etc.*] virtute brevis dicti domini Regis eisdem coronatoribus directi et huic inquisicioni annexi, per sacramentum Georgii Langforde [*and others*] proborum et legalium hominum comitatus predicti. Qui dicunt super sacramentum suum quod predictus Johannes Lloyd, in brevi predicto nominatus, tempore recognicionis debiti in brevi predicto mencionate, scilicet vicesimo quinto die Novembris anno regni dicti domini nostri Jacobi nunc Regis Anglie [*etc.*] undecimo, et Scocie [*etc.*] et postea, possessionatus fuit [*de*] et in quibusdam decimis in Beguildry in comitatu predicto . . .² appreciantur ad valenciam triginta librarum per annum. Ac quod predictus Johannes Lloyd die recognicionis debiti predicti et postea seisitus fuit in dominico suo, ut de feodo, de et in uno mesuagio cum pertinenciis in . . .² in parochia de . . .² modo vel nuper in tenura sive occupacione . . .² clari annui valoris, ultra reprisas, octodecim librarum. . . . Ac juratores predicti ulterius dicunt, super sacramentum suum, quod predictus Hugo Lloyd in brevi predicto nominato, tempore recognicionis debiti predicti, seu unquam postea, nulla habuit bona seu catalla, neque alia sive plura terras sive tenementa in comitatu predicto ad eorum noticiam que extendi, appreciari aut in manum dicti domini Regis capi aut

¹ For the significance of this minute *cf.* above, p. 33, and below, Appendix, p. 123. Edmondes (see Index) was a Shropshire man.

² Some details have been omitted.

Witness myself . . . the 21st day of June in the twentieth year of our reign of England . . . and of Scotland the fifty-fifth.

Because the aforesaid John Read is sheriff of the county of Radnorshire aforesaid, therefore let execution be made by the coroners aforesaid.

EDMONDES.

[*Indorsed*] The within-named John and Hugh are laymen and are not found residing in the county within written. The execution of this writ appears in a certain inquisition annexed to this writ.

The answer of John Griffith and Francis Rickards, coroners.

Radnor.

[*Inquisition annexed*] Indenture of an inquisition taken at Presteign in the county aforesaid on the twenty-fifth day of June, in the twentieth year of the reign of our lord James, by the grace of God King of England [*etc.*], and of Scotland [*etc.*], before . . . coroners [*etc.*], by virtue of a writ of the same lord King to the same coroners directed and annexed to this inquisition, by the oath of George Langforde [*and others*], good and lawful men of the county aforesaid: Who say on their oath that the aforesaid John Lloyd in the writ aforesaid named, at the time of the recognition of the debt mentioned in the writ aforesaid, namely on the twenty-fifth day of November in the eleventh year of the reign of our said lord James now King of England [*etc.*] and of Scotland [*etc.*] and afterwards, was possessed of and in certain tithes in Beguildry in the county aforesaid . . . ¹ are appraised at the value of thirty pounds by the year. And that the aforesaid John Lloyd on the day of the recognition of the debt aforesaid and afterwards was seised in his demesne as of fee of and in one messuage with the appurtenances in . . . ¹ in the parish of . . . ¹ now or lately in the occupation of . . . ¹ of the clear yearly value, beyond reprises, of eighteen pounds . . . ¹ and the jurors aforesaid say further, on their oath, that the aforesaid Hugh Lloyd, named in the writ aforesaid, at the time of the recognition of the debt aforesaid, or at any time after, had no goods or chattels, nor other or more lands or tenements in the county aforesaid, to their knowledge, which may be extended, appraised or taken or seized into the hand of the said lord King. In witness whereof, as

¹ See footnote 2 opposite.

seisiri possint. In ejus rei testimonium, tam nos prefati coronatores quam juratores predicti huic inquisitioni sigilla nostra alternatim apposuimus die et anno supradictis.

Johannes Griffith

et

Franciscus Rickards

Coronatores

46. PROCEEDINGS ON A RECOGNIZANCE IN THE NATURE OF AN OFFICIAL SECURITY.

Coke v. Clevely (3 & 4 Philip and Mary). (1556.)

Civitas
Winton'.

¹ Curia domini Regis et domine Regine ibidem tenta in Guihalda ejusdem civitatis, coram Roberto Bethal, majore civitatis Wintonie predictae, Willelmo Goodwin et Thoma Batye, ballivis civitatis illius; secundum consuetudinem ejusdem civitatis, a tempore quo non extat memoria, in eadem civitate hactenus usitatam et approbatam, xxv^{to} die Septembris, annis regnorum Philippi et Marie, Dei gracia Regis et Regine Anglie . . .² terecio et quarto.

Ad hanc curiam venit Johannes Coke, armiger, et queritur de Radulpho Clevely, alias dicto Radulpho Cleverley de Upham, in comitatu Southamptone, husbandman, de placito quod reddat ei ducentas libras legalis monete Anglie, quas ei debet et injuste detinet. Et invenit plegios de proseguendo querelam suam predictam, videlicet, Johannem Doo et Ricardum Fen: et petit processum inde fieri, secundum consuetudinem civitatis predictae versus prefatum Radulphum in placito predicto, etc. Ideo secundum consuetudinem civitatis illius preceptum est Crystofero Geninges, uni serviencium ad clavam ejusdem civitatis ac ministro curie predictae, quod summoneat per bonos summonitores predictum Radulphum Cleverley quod sit coram majore et ballivis hic, scilicet apud civitatem Wintonie, in Guihalda predicta, die Mercurii, videlicet xxx^{mo} die Septembris tunc proximo futuro, ad respondendum prefato Johanni Coke in placito predicto, etc. Ad

¹ Chancery Miscellanea, Bdle. 60, File 3, No. 66. In this or other files some interesting proceedings of the local courts of 'Chayney,' 'Pavelon,' 'Soke,' etc., are exemplified. A few Pie Poudre court books for this period are still preserved at Winchester.

² All their other titles follow.

well we the before-mentioned coroners as the jurors aforesaid have affixed our seals to this inquisition alternately, the day and year above-said.

John Griffith

and

Francis Rickards

Coroners

**46. RECOGNIZANCES IN RESPECT OF OFFICIAL SECURITIES
OR PRIVILEGES.**

Coke v. Clevely (3 & 4 Philip and Mary). (1556.)

City of
Winchester. Court of the lord King and lady Queen there held in the Guildhall of the same city before Robert Bethal mayor of the city of Winchester aforesaid, William Goodwin, and Thomas Batye, bailiffs of that city, according to the custom of the same city from a time of which the memory does not exist hitherto used and approved hitherto in the same city, the 25th day of September, in the third and fourth years of the reigns of Philip and Mary, by the grace of God King and Queen of England. . . .

To this court comes John Coke, esquire, and complains of Ralph Clevely, otherwise called Ralph Cleverley of Upham, in the county of Southampton, husbandman, in a plea that he do render to him two hundred pounds of lawful money of England which he [Ralph] owes to him [John] and unjustly detains. And he finds pledges for prosecuting his complaint aforesaid, namely John Doo and Richard Fen : and he asks for process to be made thereof according to the custom of the city aforesaid against the before-mentioned Ralph in the plea aforesaid, etc. Therefore, according to the custom of that city, precept is made to Christopher Jennings, one of the serjeants-at-the-mace of the same city and minister of the court aforesaid, that he do summon by good summoners the aforesaid Ralph Cleverley, that he be before the mayor and bailiffs here, namely at the city of Winchester. in the Guildhall aforesaid, on Wednesday, namely the 30th day of September then next to come, to answer the before-mentioned John Coke in the plea

quam quidem curiam hic, scilicet [*etc.*] coram prefatis majore et ballivis, videlicet tricesimo die Septembris, annis tercio et quarto supradictis, secundum consuetudinem civitatis predictę tentam, venit tam predictus Johannes Coke (et ibidem posuit in loco suo Johannem Mathewe, attornatum suum in placito predicto), quam predictus Radulphus Cleverley (et posuit in loco suo Thomam Eridge, attornatum suum in eodem placito). Et predictus Crystoferus Geninges, tunc serviens ad clavam [*etc.*], modo hic testatur quod summonuit per bonos summonitores predictum Radulphum Cleverley essendi hic ad hanc curiam ad respondendum prefato Johanni Coke in placito predicto, prout sibi preceptum fuerat, videlicet Michaellem Barefotte et Jacobum Waterson, etc.

Civitas
Winton'.

Curia domini Regis et domine Regine ibidem, tenta in Guihalda ejusdem civitatis, coram Johanne Edmond, majore civitatis Wintonie predictę, Thoma Bathe, et Georgio Browne, ballivis civitatis illius, secundum consuetudinem ejusdem civitatis [*etc.*] xxx^{mo} die Septembris annis regnorum Philippi et Marie, Dei gracia [*etc.*] tercio et quarto.

Radulphus Cleverley alias [*etc.*] summonitus fuit ad respondendum Johanni Coke, armigero, de placito quod reddat ei ducentas libras [*etc.*] quas [*etc.*]. Et unde idem Johannes, per Johannem Mathew, attornatum suum, dicit quod cum predictus Radulphus Cleverley quinto die Octobris, anno regni domine Regine nunc primo, hic, apud civitatem Wintonie, infra jurisdictionem hujus curie,¹ per quoddam scriptum suum obligatorium concessisset se teneri prefato Johanni in predictis ducentis libris, solvendis eidem Johanni cum inde requisitus fuisset, predictus tamen Radulphus, licet sepius requisitus, predictas ducentas libras eidem Johanni nondum reddidit, sed illas ei omnino hucusque reddere contradixit, et adhuc contradicit; unde dicit quod deterioratus est et dampnum habet ad valenciam xx librarum; et inde producit sectam suam. Et profert hic in curia scriptum obligatorium predictum quod debitum predictum in forma predicta testatur; cujus data est de die et anno predictis.

Et predictus Radulphus Cleverley per attornatum [*etc.*] venit et defendit vim, etc., et petit auditum scripti obligatorii predicti, et ei legitur in hec verba:

‘Noverit universi per presentes me Radulphum Cleverley de Upham in comitatu Southamptone, husbandman, teneri et firmiter obligari Johanni

¹ This looks like action by a combined town and merchant court (cf. *Law Merchant*, Vol. I, p. xx, n.) to enforce the conditions of an arbitration.

aforesaid, etc. At which court indeed here, namely [*etc.*] before the above-mentioned mayor and bailiffs, namely on the thirtieth day of September in the third and fourth years abovesaid, held according to the custom of the city aforesaid, comes as well the aforesaid John Coke (and there has put in his place John Mathew as his attorney in the plea aforesaid) as the aforesaid Ralph Cleverley (and has put in his place Thomas Eridge as his attorney in the same plea). And the aforesaid Christopher Jennings, then serjeant-at-the-mace [*etc.*], now testifies here that he summoned, by good summoners, the aforesaid Ralph Cleverley to be here at this court to answer the before-mentioned John Coke in the plea aforesaid, as precept had been made to him, namely, Michael Barefoot and James Waterson, etc.

City of
Winchester.

Court of the lord King [*as above*] the 30th day of September [*as above*].

Ralph Cleverley, otherwise [*etc.*], was summoned to answer John Coke, esquire, on a plea that [*as above*]. And thereupon the same John, by John Mathew his attorney says that whereas the aforesaid Ralph Cleverley on the fifth day of October in the first year of the reign of the now lady Queen, here, at the city of Winchester, within the jurisdiction of this court, by a certain writing obligatory of his had granted that he was bound to the before-mentioned John in the aforesaid two hundred pounds, to be paid to the same John when he should have been requested therefor, the aforesaid Ralph, however, though often required, has not yet rendered the aforesaid two hundred pounds to the same John, but has hitherto utterly refused to render them to him and still refuses ; whereupon he says that he is the worse and has loss to the value of 20 pounds ; and thereof he produces his suit. And he proffers here in court the writing obligatory aforesaid which testifies the debt aforesaid in the form aforesaid ; the date of which is in the day and year aforesaid.

And the aforesaid Ralph Cleverley by his attorney [*etc.*] comes and defends force, etc., and asks a hearing of the writing obligatory aforesaid, and it is read to him in these words :

‘ Know all men by these presents that I, Ralph Cleverley of Upham in the county of Southampton, husbandman, am bound and firmly

Coke, armigero, in ducentis libris [*etc.*]; solvendis eidem Johanni [*etc.*]. Ad quam quidem solucionem bene et fideliter faciendam obligo me, heredes, executores, et administratores meos firmiter per presentes, sigillo meo sigillatas. Data quinto die Octobris, anno regni Marie, Dei gracia Anglie [*etc.*] Regine, Fidei Defensoris et in terra ecclesie Anglicane et Hibernice supremi capitis primo.'

Deinde petit auditum indorsamenti ejusdem scripti obligatorii, et ei legitur in hec verba :

'The condicion of this obligacion is suche that if the within bounden Raffe Cleverlie stande to obeye, kepe, performe and fulfill th'awarde, order and arbitrament of John Morton and Robart Romingar, esquires, arbitrators aswell on the partie and behalf of the within namid John Cooke, as on the partie and behalf of the said Raffe Cleverlye, indifferentlye namid, electe and chosen to arbytrate, awarde, judge and deme aswell of, for and uppon the leasse of the parsonage of Houghton in the said countie of Suthanton, the ferme and tenement of Nayles and of all other landes and tenementes, tythes, and proffites in Houghton afore-said, specyfyed, mentioned and conteyned in a paire of indentures had and made betwene the said John Coke of the one partie and Edward In[kpenne] of thother partie, bearringe date the xjth daye of October in the seconde yere of the raigne of our late soveraigne lord king Edward the Sixt. And for the stocke, goods and cattals in the backe side of the said indentures endorsed, as of, for and uppon all and all manner of accions, sutes, quarells, debtes, debates, accomptes, trespasses, wronges, sommes of monye had, demandes, whatsoever they be, had, moved, sterred or dependinge betwene the said parties in any wyse before the date herof. So that the same awarde, order and arbitrament of the said arbitrators of and uppon the premisses be made and yelden upp, in wrytinge under their seallis, unto the said parties before the feast of All Saintes next ensuinge; that then this present obligacion to be void and of none effecte; or els to stand and abyde in his full strengthe and vertue.'

Quibus lectis et auditis, idem Radulphus, per attornatum suum predictum, petit diem interloquendi hic, usque diem Veneris, videlicet nonum diem mensis Octobris proximo sequentem; et ei conceditur. Idem dies datus est parti querenti hic, etc.

Ad quam quidem curiam hic, scilicet coram prefato majore et ballivis, nono die mensis Octobris tentam, venit tam predictus Johannes Coke, per attornatum suum predictum, quam predictus Radulphus Cleverley, in propria persona sua; et idem Radulphus adtunc et ibidem

obliged to John Coke, esquire, in two hundred pounds [*etc.*]; to be paid to the same John [*etc.*]. For which payment well and faithfully to be made, I obligate myself, my heirs, executors and administrators firmly by these presents, sealed with my seal and dated the fifth day of October in the first year of the reign of Mary, by the grace of God Queen of England [*etc.*], Defender of the Faith, and on earth Supreme Head of the English and Irish Church.'

Then he asks a hearing of the indorsement of the same writing obligatory and it is read to him in these words :

.

.

And these conditions having been read and heard, the same Ralph, by his attorney aforesaid, asks for a day to imparl here, until Friday, being the ninth day of the month of October next following; and it is granted to him. The same day is given to the complainant, here, *etc.*

At which court indeed held here, namely before the aforesaid mayor and bailiffs on the ninth day of the month of October, comes as well the aforesaid John Coke, by his attorney aforesaid, as the aforesaid Ralph Cleverley, in his proper person; and the same Ralph then and

deliberavit prefato majori et ballivis [quoddam¹] breve dicti domini Regis et domine Regine de certiorando tenores recordorum et processuum [omnium] et singularum, loquelarum, accionum sive querelarum versus Radulphum Cleverley, retornabile [coram dictis] domino Rege et domina Regina in Cancellaria sua in Quindena Sancti Michaelis proximo [futura]. Et super hoc predicti major et ballivi, presentes in curia, prefixerunt diem partibus predictis, essendi coram dicto domino Rege et domina Regina in dicta Quindena Sancti Michaelis juxta tenorem brevis predicti.²

47. PROCEEDINGS ON A RECOGNIZANCE IN THE NATURE OF AN OFFICIAL SECURITY.

Waters v. Moundeforde (18 & 19 Elizabeth). (1576.)

³ Placita coram Regina in Cancellaria sua apud Westmonasterium termino sancti Michaelis annis regni Elizabethe, Dei gracia Anglie Francie et Hibernie Regina, fidei defensoris, etc., decimo octavo et decimo nono.

Norfolc'.

Robertus Waters queritur de Johanne Moundeforde, uno servientium Nicholai Bacon, militis, Domini Custodis magni sigilli Anglie, presente hic in curia isto eodem termino, de placito transgressionis super casum ; ad dampnum, etc. Et unde idem Robertus, per Nicholaum West attornatum suum, dicit quod cum predictus Robertus ad specialem instanciam et requisicionem predicti Johannis, apud Lenne Regis in comitatu Norfolcie, teneretur et obligaretur domine nostre Elizabethe, Regine nunc Anglie, simul cum Francisco Manne de Lenne Regis, mercatore, Johanne Keale de Hull in comitatu Eborac', marinario, conjunctim et divisim in quodam scripto obligatorio, cujus data est tercio decimo die Marcii, anno regni dicte domine Regine nunc quinto decimo, in summa centum marcarum, solvenda dicte domine Regine cum inde requisitus esset, [tali con]dicione indorsata ; quod si predicti Franciscus [etc.] aut aliquis eorum, deliberarent seu deliberari causarent, ante tercium decimum diem Julii extunc proximo sequenti, a custumario sive contrarotulatore portici ville de Arrundello in comitatu Sussexe, sub sigillis eorundem custumarii et contrarotulatoris

¹ The words in square brackets are almost illegible.

² The parchment of this transcript is cut for seals.

³ Chancery Common Law Pleadings, Bdle. 8, No. 108. The obligation referred to in these proceedings was the statutory bond enforced by the customs officers at the ports, as to which see Introduction, pp. xiv, xxviii, and Appendix, pp. 121-123.

there delivered to the same mayor and bailiffs a certain writ of the said lord King and lady Queen for certifying the tenor, the records and processes of all and singular pleas, actions or complaints against Ralph Cleverley, returnable before the said lord King and lady Queen in their Chancery in the Quindisme of S. Michael next to come. And hereupon the aforesaid mayor and bailiffs, present in court, fixed a day for the parties aforesaid to be before the said lord King and lady Queen in the said Quindisme of S. Michael according to the tenor of the writ aforesaid.

47. Waters v. Moundeforde (18 & 19 Elizabeth). (1576.)

Pleas before the Queen in her Chancery at Westminster, in the Term of S. Michael, in the eighteenth and nineteenth years of the reign of Elizabeth, by the grace of God Queen of England, France and Ireland, Defender of the Faith, and so forth.

Norfolk.

Robert Waters complains of John Moundeforde, one of the servants of Nicholas Bacon, knight, lord keeper of the Great Seal of England, present here in court in this same term, on a plea of trespass in the case ; to the loss, etc. And thereupon Robert, by Nicholas West, his attorney, says that whereas the aforesaid Robert at the special instance and request of the aforesaid John at Lynn Regis, in the county of Norfolk, was bound and obligated to our lady Elizabeth, now Queen of England, together with Francis Manne of Lynn Regis, merchant, John Keale, of Hull in the county of Yorkshire, mariner, conjointly and dividedly, in a certain writing obligatory the date of which is the thirteenth day of March in the fifteenth year of the reign of the said now lady Queen, in the sum of one hundred marcs, to be paid to the said lady Queen when it should be required of him ; indorsed with such a condition as this : that if the said Francis [*etc.*], or any one of them, should deliver or cause to be delivered before the thirteenth day of July then next following from the collector¹ or controller of the port² of the town of Arundel in the county of Sussex (under the seals of the

¹ A collector and comptroller formed the usual establishment.

² 'Porticus' probably denotes a creek.

portici ville de Lenne Regis in comitatu Norfolkie, veram et legitimam certificacionem testificantem veram deliberacionem centum et sexaginta quateriorum ordeï ad porticum de Arundello' predictam factam ex nave vocata le Barthill de Hull, cujus quidem navis predictus Johannes Keale, sub Deo, fuit magister, quod tunc presens obligacio vacua esset ; aliter in suo robore permaneret et effectum.

Predictus Johannes Moundeforde in consideracione premissorum ac pro summa duodecim denariorum legalis monete Anglie eidem Johanni Moundeforde per predictum Robertum premanibus solutam, postea, scilicet quarto-decimo die Marcii anno regni domine Regine nunc quinto decimo, apud Lenne Regis predictam, super se assumpsit et eidem querenti fideliter promisit quod ipse, idem Johannes Moundeforde, predictum Robertum de eodem scripto obligatorio et summa in eodem contenta exoneraret et indempnem conservaret, predictus tamen Johannes Moundeforde promissionem et assumptionem suas predictas minime curans seu verens, sed ipsum Robertum in hac parte callide et subdole decipere et defraudare intendens, predictum Robertum de eodem scripto obligatorio pro summis in eodem contentis non exoneravit nec indempnem conservavit, pretextu cujus predictus Robertus pro defectu deliberacionis certificacionis predictæ, secundum formam et effectum indorsamenti scripti predicti, postea attachiatus et arrestatus fuit apud Lenne Regis predictam per breve domine Regine de attachiamento, a curia Scaccarii dicte domine Regine apud Westmonasterium in comitatu Midds', super eodem scripto obligatorio versus predictum Robertum, ad comparandum coram Baronibus Scaccarii predicti apud Westmonasterium predictum, ad diem in eodem brevi contentum. Ad quem quidem diem idem Robertus coram Baronibus Scaccarii predicti in propria persona sua apud Westmonasterium predictum comparuit, et per iudicium eorundem Baronum curie Scaccarii predicti apud Westmonasterium predictum, adjudicatus fuit solvere ad Receptam Scaccarii predictæ domine Regine apud Westmonasterium predictum infra unum annum tunc proximo sequentem decem libras, ad usum dicte domine Regine, in nomine sive pro exoneracione predicti scripti obligatorii.

Quas quidem decem libras, sic per Barones super ipsum impositas, predictus Robertus ad diem et locum predictos solvit, una cum quinquaginta et quatuor solidis pro misis et custagiis curie predictæ, pro exoneracione scripti predicti officariis et ministris curie predictæ debitis, ultra et preter octo libras quas idem Robertus virtute scripti predicti, racione

same collector and controller of the port of the town of Lynn Regis in the county of Norfolk), a true and lawful certificate testifying the true deliverance of one hundred and sixty quarters of barley made at the port of Arundel aforesaid out of the ship called the 'Barthill' of Hull, of which ship the aforesaid John Keale was master, under God, that then the present obligation should be void: otherwise it should remain in its strength and effect.

The aforesaid John Moundeforde in consideration of the premises and for the sum of twelve pence of lawful money of England paid in hand to the same John Moundeforde by the aforesaid Robert, afterwards, namely on the fourteenth day of March in the fifteenth year of the reign of the now lady Queen, at Lynn Regis aforesaid, took upon himself and faithfully promised the same complainant that he, the same John Moundeforde, would exonerate and preserve harmless the aforesaid Robert in respect of the same writing obligatory and the sum contained in the same, yet the aforesaid John Moundeforde, heeding very little nor reverencing his promise and undertaking aforesaid, but intending to deceive and defraud him, Robert, craftily and cunningly in this matter, has not exonerated nor preserved the aforesaid Robert harmless in respect of that writing obligatory for the sums contained in the same, by pretext whereof the aforesaid Robert, for default of delivery of the certificate aforesaid according to the form and effect of the indorsement of the writing aforesaid, was afterwards attached and arrested at Lynn Regis aforesaid, by writ of the lady Queen of attachment from the court of Exchequer of the said lady Queen at Westminster in the county of Middlesex, on the same writing obligatory, as against the aforesaid Robert, to appear before the Barons of the Exchequer aforesaid at Westminster aforesaid, at the day contained in the same writ. At which day, indeed, the same Robert appeared before the Barons of the Exchequer aforesaid in his proper person at Westminster aforesaid, and by judgment of the same Barons of the court of Exchequer aforesaid at Westminster aforesaid he was adjudged to pay at the receipt of the Exchequer of the aforesaid lady Queen at Westminster aforesaid, within one year then next following, ten pounds to the use of the said lady Queen, in the name of or for discharge of the aforesaid writing obligatory.

Which ten pounds, indeed, thus imposed on him by the Barons, the aforesaid Robert paid at the day and place aforesaid, together with fifty and four shillings for fees and costs of the court aforesaid, for discharge of the writing aforesaid due to the officers and ministers of the court aforesaid, beyond and besides eight pounds which the same Robert consumed and expended by virtue of the writing aforesaid, by

eundi et redeundi a Lenne Regis usque ad Westmonasterium predictum circa materiam predictam diversis et separalibus temporibus et terminis consumpsit et expendit; ad dampnum ipsius Roberti centum marcarum; et inde producit sectam. Plegii de prosequendo Johannes Doo et Ricardus Roo. Et super hoc dies datus fuit prefato Johanni Moundeforde, coram dicta domina Regina nunc in Cancellaria sua predicta hic, scilicet, apud Westmonasterium, usque Octabas Sancti Hillarii tunc proximo, etc., ubicumque, etc., ad faciendum responsum suum predicto placito, etc. Idem dies datus fuit prefato Roberto hic, etc.

Ad quas quidem Octabas Sancti Hillarii, coram dicta domina Regina nunc, in Cancellaria sua predicta hic [*etc.*], venit tam predictus Robertus, per attornatum suum predictum, quam predictus Johannes Moundeforde, per Thomam Powle attornatum suum. Et super hoc dies datus fuit ulterius prefato Johanni Moundeforde coram dicta domina Regina nunc in Cancellaria sua predicta hic, scilicet apud Westmonasterium, usque Quindenam Pasche tunc proxima, etc., ubicumque, etc., ad faciendum responsum suum predicto placito, etc. Idem dies datus fuit prefato Roberto hic, etc. Ad quam quidem Quindenam Pasche, coram dicta domina Regina nunc in Cancellaria sua predicta hic, scilicet apud Westmonasterium, venit tam predictus Robertus, per attornatum suum, quam predictus Johannes Moundeforde, per dictum attornatum suum. Et super hoc dies datus fuit [*etc., to the Morrow of Trinity*], tunc proximo [*etc.*] ubicumque, etc., ad faciendum responsum [*etc.*]. Idem dies [*etc., given to Robert*]. Ad quem quidem crastinum [*the parties appear and have a day on the Morrow of S. Martin*].

Ad quam quidem Crastinum Sancti Martini, coram dicta Domina Regina nunc, in Cancellaria sua predicta hic, scilicet apud Westmonasterium, venit predictus Robertus, per attornatum suum predictum, et predictus Johannes Moundeforde per predictum attornatum suum similiter venit et defendit vim et injuriam, quando, etc. Et dicit quod predictus Robertus Waters actionem suam predictam inde versus eum habere seu manutenere non debet; quia, protestando quod idem Johannes non assumpsit super se modo et forma prout per narrationem predictam superius supponitur; protestando eciam quod predictus Robertus pro defectu deliberacionis certificacionis predictae non fuit aliquo modo dampnificatus, pro placito idem Johannes Moundeforde dicit quod predictus Robertus ad requisicionem et instanciam predicti Johannis non fuit tentus vel obligatus dicte domine Regine in predicto scripto obligatorio, in narratione predicta superius specificata, modo et forma prout idem Robertus Waters superius versus eum queritur. Et

reason of going and returning from Lynn Regis to Westminster aforesaid about the matter aforesaid at divers and several times and terms ; to the loss of him, Robert, one hundred marcs ; and thereof he produces suit. Pledges for prosecuting, John Doo and Richard Roo. And hereupon a day was given to the before-mentioned John Moundeforde, before the said now lady Queen in her Chancery aforesaid here, namely at Westminster, until the Octaves of S. Hilary then next, etc., wheresoever, etc., to make his answer to the aforesaid plea, etc. The same day was given to the before-mentioned Robert here, etc.

At which Octaves of S. Hilary, indeed, before the said now lady Queen, in her Chancery aforesaid, here [*etc.*], comes as well the aforesaid Robert, by his attorney aforesaid, as the aforesaid John Moundeforde, by Thomas Powle his attorney. And hereupon a day was given, further, to the before-mentioned John Moundeforde before the [*as above*] Queen in her Chancery [*as above*], namely until the Quindisme of Easter then next, etc., wheresoever, etc., to make his answer to the aforesaid plea, etc. The same day was given to the before-mentioned Robert, here, etc. At which Quindisme of Easter, before the said [*etc.*] Queen in her Chancery [*etc.*] comes as well [*etc.*] Robert, by [*etc.*], as the aforesaid John Moundeforde, by [*etc.*]. And hereupon a day was given [*etc., to the Morrow of Trinity*] then next [*etc.*], wheresoever, etc., to make answer [*etc.*]. The same day [*etc., given to Robert*]. At which Morrow indeed [*as opposite*].

At which Morrow of S. Martin, indeed, before the [*etc.*] Queen in her Chancery [*etc.*] comes the aforesaid Robert by [*etc.*] and the aforesaid John Moundeforde by [*etc.*] likewise comes and defends force and injury, when, etc. And he says that the aforesaid Robert Waters ought not to have or to maintain his action aforesaid against him ; because, protesting that the same John did not take upon himself in manner and form as by the count aforesaid it is supposed above ; protesting also that the aforesaid Robert was not in any wise damnified for the default of delivery of the certificate aforesaid ; for a plea, the same John Moundeforde says that the aforesaid Robert, at the request and instance of the aforesaid John, was not bound or obligated to the said lady Queen in the aforesaid writing obligatory in the count aforesaid above specified, in manner and form as the same Robert Waters above complains against him and of this he puts himself upon the

de hoc ponit se super patriam. Et predictus Robertus Waters similiter. Ideo dies datus est eis coram Regina nunc, in Octabis Sancti Hillarii, ubicumque tunc fuerit in Anglia, ad faciendum et recipiendum quod justum fuerit in premissis.

Et preceptum est vicecomiti Norfolcie quod venire faciat coram eadem domina Regina nunc in Octabis Sancti Hillarii, ubicumque tunc fuerit in Anglia, ad faciendum et recipiendum quod justum fuerit in premissis. Et preceptum est vicecomiti Norfolcie quod venire faciat coram eadem domina Regina ad diem illum xij liberos et legales homines de visneto de Lenne Regis predicta, qui nec prefatum Robertum nec prefatum Johannem Moundeforde ulla affinitate attingant, ad recognoscendum per eorum sacramentum super premissis plenius veritatem.

48. PROCEEDINGS ON A RECOGNIZANCE IN CONNEXION WITH OFFICIAL PRIVILEGE.

Armarer v. Austyn (39 Elizabeth). (1597.)

¹ Placita coram domina Regina, nunc, in Cancellaria sua apud Westmonasterium in comitatu Middelsexe termino Sancte Trinitatis anno regni domine nostre Elizabethæ, Dei gracia Anglie, Francie et Hibernie Regine, Fidei Defensoris, etc., tricesimo nono.

Armarer
querens
Austyn
defendens.

Lucas Austyn attachiatus fuit per breve domine Regine nunc, de privilegio in curia dicte domine Regine nunc hic emanante ad respondendum Jacobo Armarer, uni servientium Edmundi Kedermister armigeri, unius Sex Clericorum curie Cancellarie predictæ, juxta libertates et privilegia ejusdem curie ² pro hujusmodi clericis aut eorum servientium, a tempore cujus contrarii memoria hominum non existit usitata et approbata in eadem, de eo quod idem Lucas reddat prefato Jacobo viginti libras quas ei debet et injuste detinet, etc.

Et unde idem Jacobus, in propria persona sua, dicit quod cum predictus Lucas sexto die Septembris anno regni dicte domine Regine nunc vicesimo octavo, apud Londoniam, in parochia Beate Marie de Arcubus, in warda de Cheape, per quandam billam suam obligatoriam sigillo suo sigillatam, concessisset se debere prefato Jacobo Armarer predictas viginti libras, solvendas eidem Jacobo, executoribus vel administratoribus suis quinto die Novembris anno supradicto, predictus tamen Lucas, licet sepius requisitus, predictas viginti libras

¹ Chancery Common Law Pleadings, 12/182.

² See Introduction, p. xvii, and above, p. 85.

country. And the aforesaid Robert Waters likewise. Therefore a day is given to them before the now Queen in the Octaves of S. Hilary, wheresoever she then shall be in England, to do and receive what shall be just in the premises.

And precept is made to the sheriff of Norfolk that he make to come before the same now lady Queen in the Octaves of S. Hilary, wheresoever [*etc.*] to do and receive [*etc.*]. And precept is made to the sheriff of Norfolk that he make to come before the same lady Queen, at that day, 12 free and lawful men of the vicinity of Lynn Regis aforesaid, who shall touch neither the before-mentioned Robert nor the before-mentioned John Moundeforde in any degree of affinity, to make fuller recognition by their oath of the truth upon the premises.

48. Armarer v. Austyn (39 Elizabeth). (1597.)

Pleas before the now lady Queen in her Chancery at Westminster in the county of Middlesex in the Term of the Holy Trinity in the thirty-ninth year of the reign of our lady Elizabeth, by the grace of God Queen of England, France and Ireland, Defender of the Faith, and so forth.

Armarer,
plaintiff
Austyn,
defendant.

Luke Austyn was attached by writ of the now lady Queen, in a matter of privilege arising in the court of the said now lady Queen, here, to answer James Armarer, one of the servants of Edmund Kederminster, esquire, one of the Six Clerks of the court of Chancery aforesaid, in accordance with the liberties and privileges of the same court for these clerks or their servants, used and approved in the same from a time to the contrary of which the memory of man is not ; for that the same Luke do render to the before-mentioned James twenty pounds which he owes to him and unjustly detains, etc.

And thereupon the same James, in his proper person, says that when the said Luke on the sixth day of September in the twenty-eighth year of the reign of the said now lady Queen, at London, in the parish of the Blessed Mary of Arches in the ward of Cheap, by a certain bill obligatory of his, sealed with his seal, had granted that he owed to the before-mentioned James Armarer the aforesaid twenty pounds, to be paid to the same James, his executors or administrators on the fifteenth day of November in the year abovesaid, yet the same Luke, though often requested, has not yet rendered the aforesaid twenty pounds to

prefato Jacobo nondum reddidit, sed illas ei reddere contradixit. Unde idem Jacobus dicit quod deterioratus est et dampnum habet ad valenciam decem librarum. Et inde petit remedium. Et profert hic in curia billam predictam que debitum predictum in forma predicta testatur; cujus data est die et anno supradictis. Et super hoc, dies datus est tam prefato Jacobo quam predicto Luce coram dicta domina Regina nunc in curia hic, scilicet apud Westmonasterium predictum¹ usque ad Quindenam Sancte Trinitatis isto eodem termino antedicto. Ad quem diem prefatus Jacobus, coram dicta domina Regina nunc, in curia hic predicta presens existens, petit judicium et execucionem versus prefatum Lucam de debito predicto et dampna, per curiam hic predictam sibi in hac parte adjudicata fore reddi. Ac idem Lucas quarto die placiti de Quindena antedicta, coram dicta domina Regina nunc in curia prespecificata, licet sepius et solempniter exactus, non comparet sed defaultum facit; cujus defaultum recordatur ibidem.

Ideo consideratum est per eandem curiam hic quod prenominatus Jacobus recuperet versus prefatum Lucam tam dictas viginti libras de debito, quam viginti solidos pro dampnis et expensis que idem Jacobus, ratione detencionis debiti illius et circa recuperacione ejusdem, sustinuit. Et quod idem Jacobus execucionem versus eundem Lucam superinde habeat.

Dictus que Jacobus elegit ei execucionem pro debito, dampnis et expensis predictis levandis per breve domine Regine de *Levari faciatis* vicecomitibus Londonie directum. Et habet, etc., retornabile coram, etc., in Octabis Sancti Michaelis proximo [*etc.*] ubicumque, etc.

49. PROCEEDINGS FOR VOIDING A RECOGNIZANCE BY REASON OF THE INFANCY OF THE RECOGNIZOR.

Hyde v. Denman (39 Elizabeth). (1597.)

² Placita coram domina Regina nunc in Cancellaria sua apud Westmonasterium in comitatu Middelsexe, termino sancti Hillarii anno regni domine nostre Elizabethæ, Dei gracia Anglie Francie et Hibernie Regine, Fidei Defensoris, etc., tricesimo nono.

Domina Regina nunc mandavit breve suum clausum vicecomitibus Londonie directum in hec verba :

Elizabetha, etc., vicecomitibus Londonie, salutem. Ex gravi querela

¹ 'predictam' in the record.

² Chancery Common Law Pleadings, Bdle. 12, No. 181.

the before-mentioned James, but has refused to render them to him. Whereupon the same James says that he is the worse and has loss to the value of ten pounds. And thereof he seeks remedy. And he proffers here in court the bill aforesaid which testifies the deed aforesaid in form aforesaid, the date whereof is in the day and year abovesaid. And hereupon a day is given, as well to the before-mentioned James as to the aforesaid Luke, before the said now lady Queen in court here, [*etc.*], until the Quindisme of the Holy Trinity in that same term before-said. At which day the aforesaid James, being present before the said now lady Queen in court here, asks judgment and execution to be rendered against the before-mentioned Luke in respect of the debt aforesaid and damages [to be] adjudged to him by the court here in this behalf. And the same Luke on the fourth day of the plea of the Quindisme aforesaid, before the said now lady Queen in the court previously specified, though often and solemnly exacted does not present himself but makes default; whose default is there recorded.

Therefore it is awarded by the same court here that James previously named do recover against the before-mentioned Luke as well the said twenty pounds in respect of the debt, as twenty shillings for the damages and expenses which the same James has sustained by reason of the detention of that debt and about the recovery of the same. And that the same James have execution over and above against the same Luke.

And the said James elected execution for levying the debt, damages and expenses aforesaid by the writ of the lady Queen of *levari faciatis*, directed to the sheriffs of London. And he has it, *etc.*, returnable before, *etc.*, in the Octaves of S. Michael, next [*etc.*] where-soever, *etc.*

49. PROCEEDINGS FOR VOIDING A RECOGNIZANCE BY REASON OF THE INFANCY OF THE RECOGNIZOR.

Hyde v. Denman (39 Elizabeth). (1597.)

Pleas before the now lady Queen in her Chancery [*as in No. 48*] in the Term of S. Hilary [*as ibid.*].

The now lady Queen dispatched her writ close directed to the sheriffs of London in these words :

‘ Elizabeth, *etc.*, to the sheriffs of London, greeting. From the grievous complaint of Thomas Hyde, esquire, being within the age of

Thome Hyde, armigeri, infra etatem¹ viginti et unius annorum, ut dicitur, existentis, accepimus quod, cum ipse primo die Aprilis anno regni nostri tricesimo octavo, per nomen Thome Hyde de Wallingforde in comitatu Berkesire, armigeri, ac quidam Thomas Barnard de Londonia, generosus, et Thomas Smythe de Campden in comitatu Gloucestresire, armiger, venerunt personaliter coram nobis in Cancellaria nostra et recognoverunt, et eorum quilibet recognovit, se debere Francisco Denman de Londonia, generoso, octoginta libras legalis monete Anglie, quas eidem Francisco solvisse debuissent in festo Pasche tunc proximo sequente, prout in eadem recognicione plenius continetur. Quia tamen prefatus Thomas Hyde, coram nobis in dicta Cancellaria nostra personaliter constitutus, asseruit quod ipse predicto tempore cognicionis recognicionis predictae fuit, sicut et adhuc existit, infra etatem viginti et unius annorum, per quod recognicio predicta tanquam erronea et minus sufficiens versus eundem Thomam Hyde adnullari debet, humillime nobis supplicavit idem Thomas Hyde ut ei super adnichilacione ejusdem recognicionis (quantum ipsum Thomam Hyde concernit) eo quod ipse prefatus Thomas Hyde adhuc infra etatem viginti et unius annorum existit, de remedio congruo provideri velimus. Nos nolentes eidem Thome Hyde aliququaliter injuriari, volentesque inde fieri quod est justum, vobis precipimus quod per probos et legales homines de balliva vestra scire faciatis prefato Francisco Denman quod sit coram nobis in dicta Cancellaria nostra in Octabis Purificacionis [*etc.*] ad respondendum super premissis, et ad ostendendum quare recognicio predicta (quantum predictum Thomam Hyde concernit) occasione predicta adnullari non debet; et ad faciendum plenius et recipiendum quod curia nostra consideraverit in hac parte. Et habeatis ibi nomina illorum per quos ei scire fecistis et hoc breve. Teste [*etc.*] xix. die Januarii, anno [*etc.*] tricesimo nono.

Et modo ad hunc diem, scilicet predictas Octabas Purificacionis, etc., coram dicta domina Regina [*etc.*] venit predictus Thomas Hyde in propria persona sua, ac Johannes Waters et Ricardus Goderd, dicti vicecomites Londonie modo hic mandant breve predictum executum et retornatum² in forma sequenti: videlicet quod ipsi, virtute brevis illius eis directum, per Gergium Turfett et Allanum Hendreye, probos et legales homines de balliva sua scire fecerint prefato Francisco Denman, etc., essendi hic ad hunc diem ad respondendum super premissis in predicto brevi mencionatis et ad ostendendum [*etc.*] ex

¹ Instances of statutory recognizances for debt acknowledged by minors may be found in the earlier and later periods alike, and were the subject of anxious consideration by the Council and Parliament. References to such cases may be found in the Rolls of Parliament and Year Books. See below, p. 187 sq., and Introduction, p. xxxvii.

² Sic.

twenty and one years, as it is said, we have gathered that whereas he on the first day of April in the thirty-eighth year of our reign, by the name of Thomas Hyde of Wallingford in the county of Berkshire, esquire, and a certain Thomas Barnard of London, gentleman, and Thomas Smythe of Campden in the county of Gloucester, esquire, came personally before us in our Chancery and recognized, and each of them recognized, that they owed to Francis Denman of London, gentleman, eighty pounds of lawful money of England which they ought to have paid to the same Francis in the Feast of Easter then next following, as in the same recognizance is more fully contained. Because, however, the before-mentioned Thomas Hyde before us in our said Chancery personally present asserted that he himself at the aforesaid time of the acknowledgement of the recognizance aforesaid was, and still is, within the age of twenty and one years, whereby the recognizance aforesaid, as being erroneous and insufficient with regard to the same Thomas Hyde, ought to be annulled ; the same Thomas Hyde has most humbly supplicated us that we may be willing for a suitable remedy to be provided for him as to the annulment of the same recognizance (as far as it concerns him, Thomas Hyde), forasmuch as he, the before-mentioned Thomas Hyde, is still within the age of twenty and one years. We not willing that the same Thomas Hyde should be injured in any way, and willing that what is just may be done therein, order you that, by good and lawful men of your bailiwick, you do make the before-mentioned Francis Denman to know that he is to be before us in our said Chancery in the Octaves of the Purification [*etc.*] to answer upon the premises and to show wherefore the recognizance aforesaid (as far as it concerns the aforesaid Thomas Hyde) ought not to be annulled for the occasion aforesaid ; and to do more fully and to receive what our court shall award in this behalf. And you are to have there the names of those by whom you have made him [Denman] to know and this writ. Witness [*etc.*] the 19th day of January in the thirtieth year.'

And now at this day, namely the aforesaid Octaves of the Purification, etc., before the said lady Queen [*etc.*], comes the aforesaid Thomas Hyde in his proper person ; and John Waters and Richard Goderd, the said sheriffs of London, dispatch here the writ aforesaid executed and returned in the form following : namely that they, by virtue of that writ, to them directed, made the before-mentioned Francis Denman to know by George Turfett and Alan Hendrey, good and lawful men of his bailiwick, about being here at this day to answer upon the premises mentioned in the aforesaid writ, and to show [*etc.*] on his behalf as

parte sua prout breve illud in se exigit et requirit. Et ad faciendum ulterius et recipiendum [*etc.*] juxta formam et effectum brevis illius.

Ad quem diem predictus Franciscus Denman licet premunitus non comparet. Et super hoc idem Thomas Hyde dicit quod ipse predicto tempore cognicionis recognicionis predictæ fuit et adhuc existit infra etatem viginti et unius annorum ; et hoc paratus est verificare prout dicta curia hic consideraverit : unde petit iudicium quod recognicio predicta per ipsum in forma predicta recognita (quantum ipsum concernit) evacuetur, cancelletur, dampnetur ac pro nullo penitus habeatur ; quodque ipse de recognicione illa occasione predicta penitus exoneretur.

Et quia curia hic se advisare vult de et super premissis priusquam iudicium inde reddatur, dies inde datus est prefato Thome Hyde coram dicta domina Regina nunc in dicta curia hic, scilicet apud Westmonasterium predictum,¹ usque a die Pasche in tres septimanas, tunc proximo, *etc.*, ubicumque, *etc.*, ad probandum allegacionem suam predictam fore veram, si voluerit, *etc.*

Ad quem diem coram domina Regina nunc in dicta curia [*etc.*] venit prefatus Thomas Hyde in propria persona sua. Et super hoc idem Thomas Hyde, ut prius, dixit quod ipse predicto tempore cognicionis [*etc.*]. Et hoc paratus est verificare [*etc.*] ; unde petit iudicium [*etc.*].

Et quia dicta curia hic se ulterius advisare vult [*etc.*] dies inde datus est [*etc.*] usque ad . . . vicesimum primum diem Aprilis tunc proximo [*etc.*].²

.

Ad quem diem³ . . . quia dicte curie hic sufficienter constat tam per inspectionem corporis ipsius Thome Hyde, dictum Thomam dicto tempore inspectionis predictæ fuisse ac modo . . . existere infra etatem viginti et unius annorum, quam per visum depositionum quorundam testium fide dignorum in curia hic examinerum, videlicet . . .⁴ quod idem Thomas baptizatus fuit in ecclesia parochiali de Sutton Courteney . . . vicesimo nono die Julii Anno Domini milesimo quingentesimo septuagesimo sexto : et quod idem Thomas non erit plene etatis sue scilicet etatis viginti et unius annorum, ante festum Sancti Jacobi Apostoli exnunc proximo sequens, aut eo circiter. Et pro eo quod predictus Franciscus Denman nichil in contrarium inde dicit ; ideo per eandem curiam hic consideratum et adjudicatum est quod prefatus Thomas Hyde dicto tempore cognicionis

¹ 'predictam' in roll.

² The case is again adjourned to the Morrow of Trinity and then till Three Weeks of Trinity.

³ Thomas Hyde again appears and submits his case which is now unopposed.

⁴ Of the father and the parish priest.

that writ in itself exacts and requires. And to do further and receive [etc.] according to the form and effect of that writ.

At which day the aforesaid Francis Denman, though premonished, does not appear. And hereupon the same Thomas Hyde says that he himself at the aforesaid time of the acknowledgement of the recognizance aforesaid was and still is within the age of twenty and one years ; and this he is prepared to aver as this court here shall award. Whereupon he asks for judgment that the recognizance aforesaid by him recognized in form (as far as concerns him) may be voided, cancelled, condemned and held altogether annulled ; and that he may be wholly exonerated in respect of that recognizance on the occasion aforesaid.

And because the court here wishes to be advised of and upon the premises before judgment is rendered thereof, a day herefor is given to the before-mentioned Thomas Hyde before the now said lady Queen in the said court, namely, at Westminster aforesaid, in three weeks from Easter Day then next, etc. Wheresoever, etc., to prove his allegation to be true, if he should wish, etc.

At which day, before the now lady Queen in the said court, etc., came the before-mentioned Thomas Hyde in his proper person. And hereupon the same Thomas Hyde, as before, said that he himself at the aforesaid time of the acknowledgement [etc.]. And this he is prepared to aver [etc.], whereupon he demands judgment [etc.].

And because the said court here wishes to take further advice [etc.] a day thereof is given [etc.] until . . . the twenty-first day of April then next [etc.].

At which day ¹ . . . because it is sufficiently evident to the court here, as well by inspection of the body of him, Thomas Hyde, that the said Thomas at the said time of the inspection aforesaid had been and now . . . is within the age of twenty and one years as by view of the depositions of certain credible witnesses, examined here in court, namely . . . ² that the same Thomas was baptized in the parish church of Sutton Courtenay . . . on the twenty-ninth day of July in the year of Our Lord one thousand five hundred and seventy-six : and that the same Thomas will not be of his full age, namely of the age of twenty and one years, before the Feast of S. James the Apostle from now next following, or thereabouts. And for that the aforesaid Francis Denman says nothing to the contrary thereof, therefore it is awarded and adjudged by the same court here that the aforesaid Thomas Hyde,

¹ See footnote 3 opposite.

² See footnote 4 opposite.

recognicionis predictæ, ac tempore inspectionis predictæ fuit, sicut et ad hunc diem, scilicet ad predictas Tres Septimanas Sancte Trinitatis antedictæ existit, infra etatem viginti et unius annorum; ac quod recognicio predicta per ipsum in forma predicta recognita (quantum eundem Thomam concernit, occasione predicta) evacuetur, cancelletur, dampnetur ac pro nullo penitus habeatur. Quodque ipse inde penitus exoneretur.

at the said time of the acknowledgement of the recognizance aforesaid and at the time of the inspection aforesaid, was, as also he is to this day, namely to the aforesaid Three Weeks of the Holy Trinity beforesaid, within the age of twenty and one years ; and that the recognizance aforesaid, by him in the form aforesaid recognized (as far as it concerns the same Thomas on the occasion aforesaid), is to be voided, cancelled, condemned and altogether held for nothing. And that he himself is to be altogether exonerated thereof.

APPENDIX OF DOCUMENTS SUPPLEMENTING OR ELUCIDATING THE ABOVE PLEADINGS ON STATUTORY AND OFFICIAL RECOGNIZANCES.

I.

(a) *Abstracts of proceedings upon debts and securities of the Judaism [inrolled in the Exchequer of the Jews at Shrewsbury (1282-1284)].*

(m. 5d.)
Devon.

¹ The King, by reason of the good service of [Peter de Greenham] in his expedition of Wales, which he has much commended, wishing to show him further favour, commands that, if by inquisition or otherwise it can be shown whether he paid to Copyn the Jew of Oxford at any time in his life the debt of 21 marcs, in which he was bound to the same Jew, and for which the late sheriff of Devon took into the King's hand Peter's manor of Weyburneford,² then to cause allowance to be made for so much as has been raised from the said manor in payment of that debt (as may appear by tallies). And if it shall appear that satisfaction has been made for the whole debt, then the said manor to be restored to the said Peter with any surplusage that the said sheriffs may have received from the same manor. And if it is found that any part of the said debt is in arrear, then Peter is to have reasonable terms assigned to him for payment; and none the less his manor to be restored to him, saving the King's right in all things. Witness the King, at Ruddlan, 16 October, 10 Edward I.

(m. 7d.)
Norfolk
Suffolk

³ Elizabit, widow of Oliver de Ingham, by her attorney, makes John, son and heir of Oliver of Ingham, come and seeks that he do acquit her against the King for a certain debt of thirty pounds, which is exacted to the King's use by occasion of certain lands and tenements held by her in dower, which formerly were William's, the son of Alan of Withersdale, for a debt of Abraham, son of Deulecres the Jew, condemned. And she proffered a writing of the aforesaid John wherein is contained that he ought to acquit, warrant and defend her in respect of the lands and tenements that she holds in dower, as contained in the said writing, against all men, as well Christians as Jews, so long as the aforesaid Elizabeth shall live.

¹ Exchequer of the Jews, Plea Rolls, 10-11 Edward I (E. 9/40). This is an abstract of the King's writ omitted from No. 1 (above, p. 1).

² Sic, i.e. Oburnford apparently (Book of Fees).

³ Exchequer of the Jews, Plea Rolls, 10-11 Edward I (E. 9/40).

The aforesaid John, by his attorney, comes and acknowledges that the said writing is his deed and that he is bound to acquit Elizabeth according to the tenor of the aforesaid writing. Therefore it is awarded that the aforesaid John be distrained for his debt and permit Elizabeth to be in peace in that respect and to be quit thereof.

(m. 8.)
Norf.

Isak le Eveske, the Jew, caused to come Adam, son of Hervey of Catfield, and exacts from him 10*l.* of chattels and the lucre thereof, which he owes him before the statutes,¹ etc., by a chirograph of 10*l.* under the names of Adam and Leo, sons of Denis the Jew, which Isak ought to have by sale from the aforesaid Leo, as appears in the term of Michaelmas 9 Edward I.

Adam comes and says that he ought not to answer Isak for the debt aforesaid since he satisfied him for that debt of 10*l.* in the presence of the chirographer of the ark of chirographs of Norwich, at the time when the said Leo had free administration of his goods; who made him a 'starr' of acquittance, which by misfortune he lost when his house at Catfield was burnt, and this he offers to aver by the 'country,' and that in no respect ought he to satisfy the aforesaid [Leo] for that debt; and that the same Jew made him a 'starr' in acquittance, the same Isak also puts himself upon the country. And the sheriff is ordered to cause to come before the, etc., the Christian and Jewish chirographers of the ark of Norwich and 6 good and lawful men of the vicinity of Catfield and 6 legal Jews of the city of Norwich by whom, etc., and who in no affinity, etc., to recognize in form aforesaid.

(m. 9.)
Warwick &
Leicester.

² Thomas of Bromwich, sued for the debt of Moss, son of Leo the condemned Jew, brought the King's writ to the justices assigned as keepers of the Jews, showing that the plaintiff complains that he satisfied Moss, son of Leo the Jew of Warwick, in respect of a debt of 13 marcs, a little while before Moss was hanged for clipping, by a certain writing containing 20*l.*, which is still in the ark of chirographs (as he is prepared to show before the justices); and whereas the justices exact from Thomas by reason of the above hanging of the said Jew and forfeiture of his debts and other goods, to the grievance of the said Thomas, and because the King wishes to be certified, he commands the keepers that after inspecting the rolls of the Exchequer of the Jews and making, if necessary, diligent inquiry by the oaths of good and lawful men, as well Christians as Jews, by whom the truth, etc., as to whether Thomas satisfied the said debt before the goods, etc., came into the King's hand or not; and if so, in what year and when, and in whose presence, and by whom and how, in what way, they are to send the inquisition, made under their seals and the seals of those by whom it was made, with this writ; and meantime to release the distraint made for that occasion. Witness the King, at Rothlan, 8 October, 10 Edward I. (By the King.)

¹ Cf. Selden Society, Vol. XV, *Pleas of the Exchequer of the Jews* (Introduction and Appendix).

² Exchequer of the Jews, Plea Rolls, 10-11 Edward I (E. 9/40).

According to which writ the sheriff of Warwick was ordered to make to come before the King at Shrewsbury in 15 days of Easter 6 suitable men of the town of Warwick; and the sheriff of Northampton at the same day is to send 6 Jews, of those used to dwell at Warwick, to inquire in form aforesaid the truth of the premises and to distrain, etc.

(m. 10.) ¹ Release by Gika the Jewess of certain specific debts and all other debts, claims, quarrels, pledges and obligations due to her late husband, inrolled or not inrolled, in which the debtor in question was ever bound to the aforesaid Jew. And if there be found any charter, tally, obligation, or other debt in the ark of the chirographs or without, under the names of the same debtors, the aforesaid Jewess recognizes that they are nothing worth and are to be held for nothing. And if any Jew or Jewess, Christian man or Christian woman claim anything against his heirs or assigns for any debt from the Creation to the end of the World, or by reason of 60*l.* owed by the same debtor, Gika and her heirs are bound to warrant, acquit and defend them. Dated the Nativity of the B.V.M. 10 Edw. I. with a further recognition of acquittance for the tenants of the debtor's lands.

(b) *Summary of a Plea removed from the Exchequer of the Jews into the Curia Regis* (1208).²

The manor of Rainham, co. Essex, was gaged, until the debt was satisfied, to the father of two Jews, who claims possession against the Prior of S. John's. The defendant pleads that although the gagor's 'charter' speaks of 12*l.* yearly value, the writ mentions the manor as a whole. The lord of the manor was questioned by the justices of the Jews, who dismissed the Prior after the lord had acknowledged the debt. In answer to the Justices and their experts in the *Curia Regis*, the lord confirms his statement, but adds that part of the debt has been satisfied, as he can prove by witnesses and tallies according to the law merchant. These, however, he fails to produce, the Prior is dismissed, the lord is told to pay the balance due, and the Jew is in mercy for his false claim.

In another case³ recorded in the *Curia Regis* Roll the King takes one-fourth of the whole debt, acknowledged in his court and payable at four terms. The bond does not seem to have been inrolled.

¹ Exchequer of the Jews, Plea Rolls, 10-11 Edward I (E. 9/40). This was made by Gika the Jewess as a release for her late husband's debtor.

² *Curia Regis* Rolls (E. 9-10 John, m. 3), pp. 169, 170.

³ *Ibid.* p. 209.

(c) ¹Inquisitio facta coram vicecomite Herefordie et cyrographariis Christianis et Judeis arche cyrographorum per sacramentum [of 6 Christians and 6 Jews]. Qui dicunt per sacramentum suum quod Hak' de Wygornia, Judeus, nuper defunctus, habuit die quo egrotavit infirmitate qua obiit, in archa cirographorum Herefordie, unam cartam sub nominibus . . .² de una marca et una summa frumenti . . .³ et unam de . . .³ de viginti solidis; et unam sub nominibus . . . de viginti solidis. Et unam sub nominibus . . . de viginti libris et tribus summis frumenti; et unam . . . de quadraginta solidis; et unam de . . . de viginti et duabus marcis et dimidia. Et unam sub nominibus . . . de quinque marcis: set quieta fuit ante mortem dicti Isaak. Dicunt eciam quod pueri dicti Hak' tempore sue egr[otudinis] venerunt apud Herefordiam et receperunt de debitoribus dicti Hak' decem marcas. Et in manibus dictorum puerorum rem[anent]³ . . . bonis et catallis, ut in auro, argento, vadiis, jocalibus, terris, domibus, redditibus seu aliis mobilibus et immo[bilibus] . . .⁴

[Indorsed] Ostendat domino Regi et Rex respondebit.

II.

⁵ PETER DE CROPPERY *v.* ADAM DE STRATTON (c. 1290).

Peter de Croppery complains of Adam de Stratton, that whereas he, Peter, was bound to the countess of Albemarle in ninety-four pounds, and thereupon the same Peter approached the aforesaid Adam, who was the attorney of the countess for receiving payment of that debt, and supplicated him to fix certain terms within which Peter might pay the same debt; and Adam granted him the term of four years; in this fashion, that Peter should make his brother Simon acknowledge himself, before the Barons of the Exchequer, to be bound to the aforesaid countess in the aforesaid debt. And Simon did come there and acknowledged the same debt; which recognition indeed was inrolled.

And although the same Adam had granted before the recognition was made that he would ask for no further pledges than Simon aforesaid, for which reason Simon acknowledged that debt, he now demanded other pledges; and

¹ Chancery, Miscellaneous Inquisitions 67/6. Some details are omitted.

² One Christian and one Jew.

³ The record is mutilated here.

⁴ A signature in Hebrew characters with fragments of a seal are appended.

⁵ Assize Rolls, 541B. m. 13. This case has been printed in Camden 3rd Ser., vol. ix (1906), among the State Trials of the reign of Edward I (1289–1295), edited by the late Professor T. F. Tout and Professor Hilda Johnstone. As the proceedings at this State trial were not concerned with the nature of statutory recognizances, and as the proceedings in question are not translated in the Camden text (which notes a mutilated membrane as illegible), the case is perhaps worth calendaring here. For Adam de Stratton's evil record as chamberlain of the Exchequer and attorney of the famous Isabella de Fortibus, see *Red Book of the Exchequer* (R.S.), vol. iii, p. cccxv sq., and *Dict. Nat. Biog.*, s.n. Many further references in Exchequer and Chancery Records to Adam's official career have been found since the publication of the above biographical sketches by the present writer, and the Camden editors' shrewd estimate of the result of the charges brought against him here should be referred to in relation to the cases of his colleagues or accomplices.

(c) Inquisition made before the sheriff of Herefordshire and the chirographers, Christians and Jews, of the ark of chirographs by the oath . . . who say by their oath that Hak[elin] the Jew of Worcester, lately deceased, had on the day on which he fell sick with the infirmity from which he died, in the ark of the chirographs of Hereford, one charter under the names of . . .¹ for one marc and one seam of wheat . . . and one of . . . for twenty shillings; and one under the names of . . . for twenty shillings; and one under the names of . . . for twenty pounds and three seams of corn; and one of . . . for forty shillings; and one of . . . for twenty and two marcs and a half. And one under the names of . . . for five marcs; but it was acquitted before the death of the said Isaac. They say also that the sons of the said Hak[elin] in the time of his sickness came to Hereford and received from the debtors of the said Hak[elin] ten marcs. And in the hands of the said sons remain . . . in goods and chattels, as in gold, silver, pledges, jewels, lands, houses, rents or other movables and immovables.

[Indorsed] Let him show it to the lord King and the King will answer.

¹ See footnotes 1-4 opposite.

Peter procured two more pledges accordingly. Afterwards, Peter understanding that the deed relating to the above term of payment within four years ought to have been enrolled, Adam procured a writ of the Exchequer to levy forthwith the amount of the debt due from Peter and his pledges; so that Peter was not able to plough his land, nor to sow it until the aforesaid debt was paid; whereupon he sold three carucates of land, largely to the disinherittance of himself and his heirs.

Having thus paid off the whole debt and received an acquittance, Peter was sent for by Adam and came with Simon his brother to the chapel of the Receipt of the Exchequer at Westminster.¹ Thereupon Adam's brother, William, shut the door, to prevent them from raising a hue and cry, and Adam asked to see the acquittance. When it was produced, he broke off the seals hanging from it and threw them into the Thames. The recognizance had not been cancelled,² and therefore Peter prays a remedy.

Moreover, before the same John³ was willing to acknowledge the aforesaid debt on behalf of him, Peter, at the Exchequer, he caused Peter and Simon to be bound to him under the Statute published at Acton Burnell to the amount of the same debt, and was never willing to withdraw the same recognizance until he should have from him (Peter) an acquittance for the aforesaid debt. And because the sheriff of Northamptonshire made up from him (John) five marcs, according to a writ of the Exchequer which came to him through the aforesaid Adam, the aforesaid John caused the aforesaid Peter to be imprisoned under that 'statute' at Northampton, in the castle there, where Peter was held in prison for ten weeks, until he paid the aforesaid five marcs: and in testimony of this he vouches Robert le Baude, who then was sheriff. To the damage of him Peter 100*l.*, etc.

William de Stratton appears and denies that he ever took and detained Peter in the aforesaid chapel, as Peter complains, and he asks that this may be inquired of by the ministers of the Receipt, during that time, and by other free and lawful men of the Verge of the Palace. Peter asks this likewise, and the keeper of the Palace is to bring here a jury of the same to certify, etc. The jury come and the parties after the Quindisme; and the jurors say, on oath, that William never detained and imprisoned Peter in the aforesaid chapel, nor broke any writing of Peter's, nor threw it into the Thames, nor did him any other injury. Therefore William is acquitted and Peter in mercy for his false complaint. Adam being in prison by command of the King's council, the complaint against him is to stand over until he can appear. Afterwards by the King's writ and by his attorney, as to the recognition of the aforesaid 94*l.*, Adam acknowledges that Peter recognized 47*l.* of that sum, and afterwards his brother Simon recognized the remaining 47*l.*, this debt being levied by Adam at the suit of the aforesaid countess, as her attorney. Adam denies the alleged mutilation of the acquittance in the chapel of the

¹ For its position, see *Dialogus de Scaccario* (Oxford), pp. 59, 131, and *Archaeologia*, N.S., Vol. LX, Pt. I, p. 131 sq.

² There is nothing astonishing in this official neglect, as will appear from other cases in this volume.

³ *i.e.* John Paynel, one of Peter's supplementary pledges.

Receipt, and a jury of the neighbourhood of Westminster and Charing Cross comes and says on oath that Adam was not guilty of the alleged trespasses in the chapel of the Receipt nor was he pursued by Peter's hue and cry to the middle of the city as Peter complains.¹ Therefore Adam to go quit and Peter to be in mercy.

III.

² GOLDINGTON *v.* BASSINGBOURN. (1309-1311.)

³ The King dispatched his writ dated 4 March, in his 2nd year, to his beloved and faithful John le Gras, mayor of his city of Winchester, and to Adam Poveray, clerk (deputed to receive recognizances of debts in the same city), desiring to be certified respecting certain recognizances formerly made before Adam of Northampton and John de Aune, deputed to receive suchlike recognizances in the city aforesaid; and commanding them to convey to the King, personally, all rolls of the time of the aforesaid Adam and John, now in their custody, as it is said, so that the King may have the same before him in 15 days from Easter, so that, having seen certain of those rolls, the King may take such action in the matter as shall then seem good to him.

At the appointed day the mayor and clerk come and proffer the rolls, among which are found two rolls separate from the others and sealed with the seal of John de Foxle and the aforesaid mayor. Asked if they avow these two rolls to be of the above date, and likewise a certificate found in the King's Chancery and purporting to have been dispatched by them concerning 1300*l.* which a certain Ralph le Gras, as it is said in the rolls aforesaid, acknowledged before the same Adam and John that he owed to Richard le Gras his brother, namely in the 25th year of King Edward, father of the King that now is, they say that those rolls are of that time and they avow the aforesaid certificate. Asked how long those rolls have been in their custody, and from whom and when they were received, and with what warranty, the mayor, for himself, says that they never came into his custody, since he has only been mayor since last Michaelmas when he found those rolls in the custody of Adam the clerk, who acknowledges this and (in reply to questions) states that he has held his office for three years, and produces his commission as successor to John de Aune, who delivered to him the rolls and the small piece of the King's seal, by indenture. Asked if the rolls under inspection are those delivered by John de Aune, he says they are not. And asked by whom they were received, he says from a certain Petronilla, widow of Adam of Northampton, and from Adam's executor, after he, John, became the King's sworn clerk. Asked if these executors had the King's writ to deliver

¹ With regard to further circumstantial charges made by Peter as to sums levied by Adam in default upon the lands or goods of his pledges, and as to a counter-claim against Adam for timber supplied by Peter for the repair of Southwell church, Adam's denials are supported by the verdict of a local jury.

² Easter, 2 Edward II (K.B. 27/196/50).

³ For a brief account of this extraordinary case, see Introduction, p. xlviii; Year Books T. 3 Edward II (Selden Society, Vol. XIX, pp. 193-8) and H. 5 Edward II (ibid. Vol. XXXI, pp. 42-8); and cf. above, Case 19 (p. 26 sq.) and p. 105.

the rolls, he says not ; and the mayor says, precisely, that John de Aune was not the King's clerk by commission in Adam of Northampton's time nor sworn, for Adam had the custody of both pieces of the King's seal during his term of office and he died eight years ago. And thereupon one Robert of Foxton with one Richard le Gras came into court and produced a certain letter obligatory for 1300*l.* and asked, on behalf of the said Richard, to have execution according to the form of that bond and of those rolls.

And William de Goldington', at whose suit the rolls have come before the King, says that he is tenant of a certain part of the lands formerly in the possession of Ralph le Gras, and that no such execution of any recognizance is likely to have been made in respect of those 1300*l.*, for, he says, Richard knew nothing of the recognizance or rolls, nor did Ralph ever come to Winchester to be bound. And he says that the letter and also the bond are false and newly fabricated by Adam Paveray,¹ the clerk, and this since Michaelmas last ; and the letter has been newly sealed, as is manifest from the wax and from erasure in the same rolls, and from difference in the ink and handwriting ; and also because the said recognizance for 1300*l.*, which is supposed to have been made in the 25th year of Edward I, is entered among the recognizances of the 24th year of that King. And further he says that whereas the same recognizance is supposed to have been made before the aforesaid Adam of Northampton and John de Aune in the 25th year, the said John was not then the lord King's sworn clerk nor for four years after the said Adam's time ; and this he is ready to aver, etc. And hereupon the aforesaid Richard le Gras, to whom the aforesaid letter was handed by the court for inspection, asked from whom he had the aforesaid letter, says that it was from Robert of Foxton. And the same Robert says that he himself had that letter from a certain John Wyther, who is present and acknowledged this, and says that Sir John of Bassingbourn, his lord, handed to him the aforesaid letter for delivery to the same Robert, for execution to be made thereof on behalf of the said Richard le Gras, etc. And the aforesaid letter obligatory is suspect. And because the said John is not present, the aforesaid Richard is committed to the marshal until, etc. And hereupon the aforesaid Richard le Gras, asked when he first knew about the aforesaid letter, and from whom, and if he were present at the aforesaid recognition made to him by the aforesaid Ralph his brother ; and if he wishes to make use of that letter, says that he was not present at the aforesaid recognition, etc., and he knew nothing of it before Christmas last past ; and he says that he does not wish to sue upon that letter because he fears that it is false ; because, says he, he has now understood that a certain conference took place between John of Bassingbourn and Richard Cappenore, William Purchaz, and Peter de Heys to this effect ; that the same Richard, William and Peter should make for the aforesaid John of Bassingbourn a certain 'statute' for 1300*l.* which the aforesaid Ralph le Gras was supposed to have made to Richard le Gras, his brother, at Winchester ; of which they said that the same Richard le Gras knew nothing and could not know ; nor could he come by that 'statute' unless through them, Richard, William and Peter. And that they were to make him,

¹ Sic in roll.

Richard [le Gras], come to him, John, and to stay with him. And that the same John was to say nothing to the aforesaid Richard about that 'statute' until the same Richard had sold his right in that 'statute' to the same John. And after this, Richard Cappenore and William Purchaz came to him, Richard le Gras, at Guildford with the aforesaid John and spoke thus with the same Richard, how that Richard stayed with John of Bassingbourn, knowing nothing then about the 'statute' nor about their counsel or agreement. And afterwards, Richard going to London with John of Bassingbourn his lord, within four days after, John told him that he knew of a certain debt for the use and behoof of him, Richard, who could in nowise obtain the same without John and his aid; John making no mention of the sum nor of the particulars, but that he would give him 20 marcs for his right in that debt; and Richard granted to John all his right, etc., for the aforesaid 20 marcs. And thereupon John made Richard [le Gras] bind himself by a 'statute,' in London, for 2000*l.* to make execution of the aforesaid 'statute' faithfully; and to sue upon it to the use and profit of him, John; nor did he then know the amount of the aforesaid money, nor of the recognizance, nor did the aforesaid 'statute' even come into his hands. And as for John, by an agreement made between them for three hundred pounds, to have that 'statute,' he paid to the same Richard [Cappenore] and William [Purchaz] 100*l.* in the church of S. Paul in London¹; which moneys William Purchaz received and carried away. And nevertheless the same John bound himself to the aforesaid William Purchaz by statute, etc., to pay him the remaining 200*l.* at certain terms.

And because Richard le Gras disavows the aforesaid letter and will not sue upon it and says that it is false and suspect, and is so set forth and shown by a conspiracy of falsity, the sheriffs of London and Middlesex are ordered to attach Richard de Cappenore, William, Peter and John, etc., by their bodies, etc.

Afterwards the aforesaid John of Bassingbourn, Richard de Cappenore and William de Purchaz, attached by precept of the lord King, came before the King. And John, asked where and by whom he had that letter, says that the aforesaid Richard, William and Peter came to him at London and sold to him the aforesaid 'statute' of 1300*l.* for 300*l.*, of which he paid to William 100*l.* in the church of S. Paul's, London. And he says that after payment made to the said William, the said Richard Cappenore delivered to him the aforesaid letter; and he acknowledges well that Richard le Gras, after he had stayed with him, John, granted his right to him for 20*m.*; and that Richard Cappenore made a recognizance by way of statute at London to make execution faithfully to the use and profit of John of Bassingbourn, and he says that at that time he well understood that the letter was true and good and faithful, etc.

And the aforesaid William [Purchaz], arraigned upon the premises and as to how and from whom he had the 'statute,' says it was from the aforesaid Richard Cappenore, who came to his house at Alton; and he asked William to go with him to London and delivered to him the 'statute' to bring to John of Bassingbourn, to sell and deliver it to John of Bassingbourn.

¹ See below, p. 105.

And he at the request of Richard went to London to make that contract ; and he acknowledges well the receipt of 100*l.* ; but he says that he received that money for the use of Richard [Cappenore] and not for his own use ; and that John of Bassingbourn, in William's absence, made that recognizance for 200*l.*, and he asks that it may be inquired by the country whether he knew of any falsity or false contract in the execution or in the 'statute' ; or that he consented to any falsity.

And Richard [Cappenore], arraigned on the premises, says and acknowledges well the aforesaid contract in the above form. And as to the 'statute' he says that he bought that 'statute' at Winchester well and faithfully of a certain Walter of Pewsey ; and that he knew nothing of any falsity, etc., he puts himself upon the country and the city of Winchester. Therefore let a jury come about it in the Octaves of S. John the Baptist wheresoever, etc.

And because the rolls which the aforesaid mayor and Adam Poverai¹ proffered here in court are suspect in several ways, and Adam has departed from the court without leave, without making answer upon that suspicion, the sheriff of Southampton is ordered to take Adam if he be found, etc., and keep him safely in prison, etc., so that he have his body before the King at the aforesaid Octaves of S. John the Baptist, to answer for the contempt and suspicion aforesaid.

The sheriff is also ordered to bring up Walter of Pewsey from whom Richard de Cappenore bought the letter ; and likewise John de Aune to certify the court, and also to attach Peter de Heys to answer to the King in the premises.

Afterwards, at the King's command conveyed by Hugh le Despenser, William of Pewsey is admitted to bail. Twelve knights and other mainpernors from several counties are found to answer for William of Pewsey, who is liberated, and six mainpernors answer for the appearance of John le Gras, mayor of Winchester.

Afterwards, at the Octaves of S. John, the mayor comes, and John de Aune comes and proffers a commission of King Edward I for the custody of the smaller part of his seal.

Afterwards, at the same Octaves of S. John, William Purchaz comes in the custody of the King's marshal ; but the jury does not come. Also John of Bassingbourn comes, in person, and John le Gras, by his mainpernors, comes ; and John de Aune, sent up by the sheriff, comes. And the sheriff returns that Peter de Heys, Adam Poveray and Walter of Pewsey are not found and have no goods, etc. And John de Aune proffers his commission as clerk, dated 30 Edward I, with the custody of the smaller piece of the seal of the office of recognizances in the form of the Statute of Merchants, etc., and another letter of the same King dated in his 33rd year for the seal of that office to be surrendered to Adam Poveray, with the rolls of recognizances, etc., by indenture, etc. And thereupon it is asked if the same John de Aune was ever the King's sworn clerk in the time of Adam of Northampton, and if any rolls of him, Adam, were ever in his custody, since he became the King's sworn clerk. He answers that it was not so. The same John was

¹ Sic in roll.

also asked if the recognizance of 1300*l.* entered and written in one of the above two rolls is in his handwriting, who says not, nor does he recognize the hand of him who wrote those recognizances. But he says and well knows that certain other recognizances in the aforesaid rolls are written and entered by his own hand as that of the clerk hired by the same Adam of Northampton. And he says that a certain Robert le Lung, clerk, still living, likewise entered recognizances in the rolls of him, Adam of Northampton, as a hired clerk.

The same John was also asked in whose custody the rolls of Adam [of Northampton] remained after his death and while John remained clerk, who says that they were in the custody of Petronilla, Adam's wife and executrix. Therefore the sheriff is to summon 12 picked men of the city of Winchester with 8 dubbed knights of his county and 12 free and legal foreigners dwelling nearest to that city, each of whom has 10 librates of land, at least, by whom, etc., and who are not akin to the parties. The sheriff is to take Peter de Heys, Adam Poveray, Walter of Pewsey, if found, and also to bring before the King at the above date Robert le Lung and Petronilla, widow of Adam of Northampton, to certify, etc. And hereupon all the above suspected persons find mainprise to appear in 15 days from Hilary. Richard [de] Cappenore is committed to the custody of the marshal. At which day Richard Cappenore, William Purchas, John le Gras, John of Bassingbourn, John de Aune come, and Peter de Heys, Adam Poveray, William de Pewsey, Robert le Lung and Petronilla, widow of Adam of Northampton, do not come, nor does the sheriff return any writ.

A jury of 18 is summoned for 15 days from Hilary, when the parties appear ; but the jury does not come ; adjourned for 3 weeks of Easter. The sheriff reports that Petronilla is dead, and Peter de Heys, Adam Poveray and Walter de Pewsey are not found and have no goods. They are to be exacted and their bodies brought up at Michaelmas.

After at 3 weeks of Easter the sheriff returns the panel of a jury from the city of Winchester and the replies of the bailiffs of the liberties of the Prior and Bishop of Winchester (with Odiham, Aulton, Bassingstoke, and Andover), and the sheriff with the coroners brings before the King on that day 18 men of the city of Winchester. And because it is found from the panel aforesaid that the bailiffs aforesaid did not answer to the said sheriff for the issues of the knights, except for 20*l.* where they might have answered for 20*m.* at least from each of them (whereby those knights did not come at the aforesaid term ¹), nor for the issues of any other of the freemen except for xx*l.* and xij*l.*, where they might have answered for 100*s.* at least from each of them. And because the jurors of the city aforesaid who were challenged elsewhere in the court and now are returned by the aforesaid bailiffs ; and no others were put in their place, whereby the aforesaid inquisition could not be taken for default of jurors, the sheriff is ordered not to omit on account of liberties, namely, of the Bishop of Salisbury, the Prior of Winchester, or of Odiham, Alton, etc., or the city aforesaid, to distrain the aforesaid knights and other foreigners, and also knights of the city were sworn, and their attorney comes before the

¹ Minute details of the serving of process in the city of Winchester have been omitted in this summary.

King on the Morrow of S. John the Baptist whenever, wheresoever, etc., and 12 of the more substantial, valid and more lawful men and landholders of that city to make oath.

The same day is given to Richard de Cappenore, who is committed to the marshal. At which day [the Morrow of S. John the Baptist] William Purchaz, mainprised, and the mayor and others, mainprised, and Richard de Cappenore, brought up by the marshal, come, and the jury does not come : therefore the inquest (*jurata*) is respited to 15 days of Michaelmas for default of jurors ; the sheriff to have their bodies before the King at that term unless Henry Spigurnel holds that plea earlier.

Afterwards at Winchester on Sunday on the Eve of S. Laurence, before Henry Spigurnel and Sir Thomas Paynel as his associate, William de Goldington prosecuting for the King, Richard de Cappenore and William Purchaz now come in the custody of the marshal. And Roger le Brabanzon sent by his yeoman the record and process with the statute and the two rolls of recognizances. And likewise the jury, namely, six of the county aforesaid and six of the city of Winchester, come : who say on their oath that Richard de Cappenore is guilty of that falsity, both the falsifying of the statute and the fabrication of the rolls, and he is remanded in custody to hear his judgment at Michaelmas. Also the jury (two being challenged and replaced by two others) say on their oath that William Purchaz is not guilty in any respect, and the same day is given to him to hear his judgment. Then Richard de Cappenore is brought up in custody, but the Justices would not proceed to judgment and Richard is recommitted . . . And the sheriff returns that Adam Poveray, clerk, Peter de Heys and Walter of Pewsey have been exacted from court to court, and Adam and Peter surrendered themselves and they are sent up by the sheriff ; but Walter does not come and is outlawed : the sheriff and coroner are to inquire of his goods. And Richard de Cappenore comes in custody and John de Aune and William Purchaz on their bail, but John of Bassingbourn does not surrender to his bail, as appears below.

And hereupon Peter arraigned how he wishes to acquit himself hereof as aforesaid, that he with the aforesaid Richard Cappenore and William Purchaz came to London to John of Bassingbourn and after a conversation between them as to a contract and sale of the statute, namely, to John of Bassingbourn, for 1300*l.*, which Ralph le Gras was supposed to have made to his brother Richard le Gras at Winchester, of which 'statute' Peter said that Richard le Gras had no knowledge nor could have any nor refer to that statute without their help, and that he with his associates would make Richard le Gras come to the same John of Bassingbourn and stay with him and that John should say nothing to Richard about the statute until Richard had sold his right therein to him, and that John was to give 300*l.* to Peter, William and Richard for the same according to this agreement and previous conversation and afterwards Richard le Gras staying with John of Bassingbourn through the procurement of Peter, Richard and William, and the statute having been delivered to John, he paid them 100*l.* in the church of S. Paul in London, whereof Peter had his share, and for the remaining 200*l.* entered into a statutory recognizance in London : and how that John of Bassingbourn came personally in the King's court and acknowledged that Peter with

Richard and William came to him in London and sold him the aforesaid statute for the sum of 300*l.*, of which he paid 100*l.* and entered into a recognizance for the rest as aforesaid.

And Peter de Heys says that he did not come to London to make any contract with John of Bassingbourn as above said, nor did he ever know anything concerning the aforesaid statute nor of any falsity contained in the same, nor did he ever have any acquaintance with Richard and John of Bassingbourn or see the aforesaid statute: save only that Richard Cappenore met him at Winchester and there showed him the aforesaid statute, begging him to go to the mayor's house with the same statute to obtain a certificate upon the same. And he at the entreaty of him, Richard, repaired to the house of the said mayor and there asked for a certificate to be made upon the tenor of that statute. And because the aforesaid Adam the clerk was not present the mayor and himself went to the house of him, the clerk, and there, the statute being shown to him, the clerk, having searched his rolls, made a certain certificate and delivered it to him. And he, Peter, straightway coming with the certificate to Richard Cappenore, handed and delivered to him that certificate with the statute. And that he, Peter, was not a party to the above-said previous conversation, fabrication, sale at London, contract or execution of the forgery of the statute aforesaid; nor was present at the receipt of the money at London, nor had a share of the money, as is imputed to him, he puts himself [on the country]. And hereupon Richard de Cappenore was asked if he delivered the aforesaid statute to him, as Peter asserts; who says that he remembers not. And because William Purchaz, arraigned at another time before the King upon a false contract, fabrication, and sale of the statute and upon other circumstances touching the statute at London as aforesaid, asked how he wished to acquit himself thereof, said that at the time when he came to London with the statute to John of Bassingbourn to make a contract and to sell that statute to him, as is aforesaid, or at the time when he received 100*l.* in the church of S. Paul to the use of the aforesaid Richard, as is aforesaid, was unaware of any falsity affecting the statute in any way nor was he consenting to the aforesaid falsity as has been imputed to him, and as to this he put himself upon an inquisition of the country, which was respited for certain causes until now, etc. Therefore the sheriffs of London were ordered to bring before the King 15 days from S. Hilary, 24 [men] from the wards nearest to the church of S. Paul's, London, who have no affinity to Peter and William to make recognition, etc. The same day is given to William Purchaz and to John le Gras, to do and receive in the premises what the court [shall award].

And because it is found above that Adam the clerk with John the mayor avow the certification which is found in the Chancery of 1300*l.* which Ralph le Gras acknowledged himself to owe to Richard le Gras, his brother, before Adam de Northampton and John de Aune in the 25th year of Edward, father of the King that now is: and it is manifestly recorded that John was not then the King's sworn clerk nor for four years after, as is contained in his commission produced in court under the King's seal and tested by the King in his 30th year; and it is also found by the recognizance of Adam that the rolls in which that recognizance for 1300*l.* is found entered were not the same

rolls that John de Aune ought to have delivered by the King's writ and by indenture, but that he had those rolls through Petronilla, the wife of Adam of Northampton and his executrix, who without warrant or writ of the lord King directed to her therein delivered to him those rolls after he had been the King's sworn clerk, as is aforesaid. And because the aforesaid certification emanated falsely and maliciously through him, Adam, from the aforesaid false rolls, in which rolls no faith can be placed, it is awarded that Adam is to be in custody, and he is to be committed to the marshal until the lord King lets his pleasure in the matter be known. And because John de Aune, clerk, is found to be in no way aware of or consenting to any confabulation, sale, contract, or any other falsities touching the aforesaid statute, it is awarded that he is to go without a day in that respect : and because John of Bassingbourn had the protection of the lord King, which was shown in court, to last until the Feast of the Purification of the Blessed Mary next to come, therefore he is to go without a day by reason of that protection, etc. Afterwards come 6 knights, all of the county of Southampton, and mainprise the aforesaid Peter till the Quindisme of Hilary and so till he is delivered.

At which day the mayor and William Purchaz and Peter de Heys come, and the jurors of the city of London in respect of William and Peter do not come ; therefore let the jury be respited till three weeks of Easter. Thence the hearing was adjourned to Trinity term, when the jurors say that William Purchaz is in no way guilty ; and as to Peter de Heys, they say that he did not come to London to make any contract with John of Bassingbourn nor took part in the sale or fabrication or receiving of money at London. Therefore William and Peter as to this are to go quit, etc., and as to the falsity and fabrication of the statute and rolls in the county of Southampton a day is given them to the Octaves of Michaelmas to do and receive what the court shall award, etc.

And as to Adam Poveray, the lord King sent his writ under his privy seal (dated at Berwick 17 March, 4 Edw. II) that whereas Adam Poveray of Winchester is arrested and committed to the King's prison at his will for the trespass that he has committed in receiving unduly into his keeping when he was no longer the King's clerk of the Statute of Merchants at Winchester, without the King's writ or other warrant, certain rolls not signed of recognizances of debt and in making certification out of the said rolls to the King's Chancellor of 1300*l.* in which the said rolls certified that Ralph Gras had acknowledged himself bound to Richard Gras his brother ; which rolls and letters of the statute, as well by inquest of the country taken hereon at Winchester by the King's commandment as by examination made in his court before his justices, were found false and falsely forged, and also for the trespass that he made in departing from his court after he was forbidden ; the King, at the request of his dear and faithful Sir Roger de Mortimer of Chirk, willing to show grace to the said Adam, the justices are commanded to release him without delay on his giving security to pay a reasonable fine. Adam is mainprised by knights and others of Hereford, Somerset, Southampton, Berks and Sussex, and afterwards he comes and makes fine with the King by 100*s.*, for which two pledges are given.

[As it is, perhaps, nearly as difficult to distinguish the sequence of the above proceedings as to discern the merits of this case, the following rough term-table may be found useful:

¹ King's Bench, Easter, 2 Edward II (1309).

Writ, March, 1309 : Pleadings, Easter, 1309.

Postea. Trinity, 1309 : Do. Hilary, 1310 : Do. Easter, 1310 ² : Do.

Michaelmas, 1310 (*Nisi prius* heard at Winchester Assizes).

Winchester Assizes, ³ August, 1310 : London ⁴ (special assize), Hilary, 1311 : King's Bench, Easter, 1311 (judgment) : *Postea*, Easter, 1311 (further awards).⁵

It might seem desirable to compile a further list of the parties and witnesses, etc., with biographical notices which would be instructive, but these facts do not actually concern us here. It will be evident, however, that the court was hampered by the protection of delinquents in favour with the King and certain great ones. Bassingbourn (as Despenser's follower) may have been one of the agents of a traffic in 'statutes merchant' which became notorious, while the suspected Winchester officials and even the respectable family of le Gras could not be easily whitewashed.]

¹ See 97, n. 3.

² In Trinity term, 1310, the proceedings for conspiracy printed on pp. 26 sq. above were taken in the Bench by Goldington against Bassingbourn and some accomplices not mentioned in the King's Bench prosecution. The reports of this case printed in the Year Book Series (S.S.), Vol. III, are supplemented by reports of further action in the Bench under a new writ (S.S. Year Book Series Vol. XI) in Hilary 1311, which was continued in that court, judgment being suspended till Michaelmas 1312.

³ Preparations had been made for this venue for some months past.

⁴ This hearing was necessary to take local evidence (S. Paul's, etc.).

⁵ As to protected offenders, including Bassingbourn himself; but Goldington's own career and his own activities in procuring 'Statutes' are instructive.

IV.

¹ HORSHAM *v.* CONDUIT (1311–1315).

Rex Vicecomitibus Londonie, salutem :

Cum Willelmus de Conductu nuper implacitasset Johannem de Horsham coram majore civitatis nostre predicte et vobis in Hustengo nostro civitatis illius per breve nostrum ² de eo quod idem Johannes redderet prefato Willelmo rationabilem compotum de tempore quo fuit receptor denariorum ipsius Willelmi ; et auditores qui per considerationem curie nostre ibidem deputati fuerint ad compotum illum audiendum, allocationes debitas et rationabiles eidem Johanni inde facere recusantes eundem Johannem prisone nostre de Neugate ³ pro arreragiis in quibus pretendebant se teneri prefato Willelmo super compotum illum autoritate sua propria liberaverunt, ac propter errores quos in processu negotii predicti dicitur multipliciter intervenisse, assignavimus dilectos et fideles nostros Gilbertum de Roubiry, Henricum Spigurnel et Johannem de Fresingfeld vel duos eorum . . . justiciarios nostros ad processum totius negotii predicti apud Sanctum Martinum Magnum Londonie recitandum, examinandum et errores, si quos inveniri contigerit in eisdem modo debito corrigendos et justiciam partibus faciendam.⁴ Nos pro eo quod dilecti et fideles nostri Johannes de Merkingfeld et Robertus de Bardelby coram nobis in Cancellaria nostra manuceperunt prefatum Johannem habere coram prefatis justiciariis nostris apud Sanctum Martinum Magnum Londonie,⁵ ad dies quos iidem justiciarii ad hoc providerint, ad standum recto coram eis de omnibus que predictum compotum contingant et ad faciendum et recipiendum ulterius quod curia nostra consideraverit in hac parte ; nolentes quod predictus Johannes per corporis sui detencionem aliquo modo impediatur quin negotium predictum, ut jus suum, libere prosequi valeat in hac parte, vobis precipimus quod ipsum Johannem a prisone predicta, si ea occasione et non alia detineatur in eadem sine dilacione deliberari faciatis per manucaptionem predictam. Teste me ipso apud Berwicum super Twedam, xxj die Julii [anno regni nostri quinto].⁶

V.

⁷ COULEE *v.* ABEL (1310–1311).

(m. 82.)
Kent.

The sheriff was ordered to take the body of John Abel, knight, if he were a layman, and to cause him to be safely kept in the King's prison until he should fully satisfy William de Coulee, citizen and pepperer of London, as to 40*l.* which the same John, before the late mayor of London and the clerk for

¹ Close Roll, 5 Edw. II, m. 31d., and 8 Edw. II, m. 3. See above, No. 24, and Introduction, pp. xxxi, xxxii, for cases of merchants posing as clerks.

² See *Law Merchant*, Vol. II, p. lxxx.

³ See H. G. Richardson in *E.H.R.*, vol. xxxvii, p. 243.

⁴ There seems to be no record of this case ; but see Close Roll 1315, p. 185.

⁵ For the hearing of appeals from civic courts here, see *Law Merchant*, Vol. II, pp. cv, 131 *sq.*, and this Appendix, No. X.

⁶ For the importance of this date see Introduction, p. xxvii and below, p. lxxxvi.

⁷ K.B. 27/270.

IV.

HORSHAM *v.* CONDUIT (1311-1315).

The King to the sheriffs of London, greeting :

Whereas William of the Conduit lately impleaded John of Horsham before the mayor of our city aforesaid and you in our Husting of that city by our writ, for that the same John should render to the before-mentioned William a reasonable account of the time in which he was receiver of the moneys of him, William ; and the auditors who were appointed by award of our court there to hear that account, refusing to make due and reasonable allowances thereof to the same John, on their own authority consigned the same John to our prison of Newgate for the arrears in which they pretended that he was bound to the before-mentioned William upon that account, and by cause of errors which, it is said, have frequently crept into the process of the business aforesaid ; we have appointed our beloved and faithful Gilbert de Roubiry, Henry Spigurnel and John de Fresingfeld, or two of them . . . our justices to recite [and] examine the process of the whole business aforesaid at S. Martin's the Great of London and to correct the errors, if any shall happen to be found in the same in due manner, and to do justice to the parties. We, for that our beloved and faithful John of Merkingfeld and Robert of Bardelby before us in our Chancery have mainperned the before-mentioned John, to have him before our justices aforesaid at S. Martin the Great of London, at days which the same justices shall have provided for this, to stand his trial before them for all matters that concern the aforesaid account and to do and to receive further what our Court shall have awarded in this behalf, not willing that the aforesaid John should be in any way impeded by the detention of his body from being able to pursue, as of right, the business aforesaid freely in that behalf, order you that you do cause him, John, to be delivered without delay from the prison aforesaid (if he be detained in the same for that cause and no other) by the mainprise aforesaid. Witness myself at Berwick-on-Tweed on the 21st day of July [in the fifth year of our reign].

recognizances, there acknowledged that he owed the aforesaid William and which he should have paid at Christmas, 4 Edward II, and has not yet paid, as it is said. The sheriff to report at the Octaves of Michaelmas: and he returned that John is dead. Therefore let him have a writ. The attorney of the aforesaid William produced a writing of the aforesaid Abel, according to the form of the Statute,¹ in these words:

.

Noverint universi me Johannem Abel, militem, de comitatibus Kancie, Surreie, Essexie et Middlesexie, teneri Willelmo de Coulee piperario Londonie in quadraginta libris sterlingorum, solvendis eidem vel suo attornato hanc litteram ostendenti, heredibus aut executoribus suis, ad festum Natalis Domini proximo futurum. Et nisi fecero concedo quod currant super me et heredes meos districtio et pena provise in Statuto de recognicionibus debitorum apud Westmonasterium edito tempore domini Edwardi Regis Anglie, patris domini Edwardi Regis nunc. Data Londonie, die Veneris proxima post festum Sancti Johannis ante Portam Latinam, anno regni Regis Edwardi filii Regis Edwardi, tercio.

VI.

² RICHARD OF BYFLEET *v.* RICHARD OF WILLY (1327).

(m. 97d.)

Preceptum fuit vicecomiti quod corpus predicti Ricardi de Welegh' de comitatu suo, si laicus, etc., caperetur et salvo in prisiona, etc., donec Ricardo de Byflete de predictis quadraginta libris [plene] satisfecerit. Ita quod idem Ricardus de Welegh per unum quarterium anni a tempore quo captus fuerit, viveret in prisiona Regis de suo proprio, et haberet omnia bona et catalla, terras et tenementa sua eo tempore deliberata, ut per se et suos, etc., predicto Ricardo de Byflete satisfacere posset de predicto debito si, etc. Et [si] idem Ricardus de Welegh infra quarterium illud, predicto Ricardo de Byflete de predicto debito non satisfacisset, tunc omnia bona et catalla, terras et tenementa que predictus Ricardus de Welegh' habuit die quo, etc., videlicet die Dominica proxima ante festum Sancti Martini in Hieme anno regni dicti Regis patris, etc., quarto, ad quorumcumque manus, etc., nisi alicui heredi infra etatem, etc., per extentam, etc., liberari faceret prefato Ricardo de Byflete, tenenda sibi et assignatis suis, juxta formam Statuti, etc., quousque, etc. Ita tamen quod idem Ricardus de Welegh' post predictum quarterium anni, etc., vivat [as above]. Et si predictus Ricardus de Wyleghe in balliva sua inventus non esset vel clericus, etc., tunc omnia bona et catalla, etc., et eciam omnes terras et tenementa que habuit in balliva sua die recognicionis predicte et post, eidem Ricardo de Byflete sine dilacione liberari, tenenda ut liberum tenementum,

¹ This was probably a typical transaction on the eve of the Ordinances. The recognizance, which was payable to bearer, was produced in court and entered in the record of the case.

² K.B. 27/270. This case is a good specimen of the formula indicating the process and gives an interesting instance of the requirements of the justices from dilatory sheriffs (*cf.* above, Nos. 32 and 34).

Know all men that I, John Abel, knight of the counties of Kent, Surrey, Essex and Middlesex, am bound to William de Coulee, pepperer, of London, in forty pounds sterling, to be paid to the same or to his attorney showing this letter, to his heirs or executors, at the Feast of the Nativity of Our Lord next to come. And unless I shall have done this I grant that I and my heirs shall incur the distraint and penalty provided in the Statute of recognitions of debts put forth at Westminster in the time of the lord Edward, King of England, father of the lord Edward now King. Dated at London on Friday next after the Feast of S. John before the Latin Gate, in the third year of the reign of King Edward, son of King Edward.

VI.

RICHARD OF BYFLEET *v.* RICHARD OF WILLY (1327).

Precept was made to the sheriff that the body of the aforesaid Richard of Willy, of his county, if a layman, etc., should be taken and [kept] safely in prison, etc., until he shall have [fully] satisfied Richard of Byfleet as to the aforesaid forty pounds. So that the same Richard of Willy during one quarter of a year from the time when he shall have been taken should live in the King's prison of his own substance and should have all his goods and chattels, lands and tenements at that time delivered up so that by himself and his, etc., he should be able to satisfy the aforesaid Richard of Byfleet in respect of the aforesaid debt, if, etc. And if the same Richard of Willy within that quarter [of a year] had not satisfied the aforesaid Richard of Byfleet in respect of the aforesaid debt, then he [the sheriff] should cause, by extent, etc., to be delivered to the before-mentioned Richard of Byfleet, all the goods and chattels, lands and tenements which the aforesaid Richard of Willy had on the day on which, etc., namely, on the Sunday next before the Feast of S. Martin in Winter, in the fourth year of the reign of the said King the father, etc., to whose hands soever, etc. (unless they had descended to any heir within age, etc.); to be held to him and his assigns, according to the form of the Statute, etc., until, etc. So, however, that the same Richard of Willy after the aforesaid quarter of a year, etc., do live [*as above*]. And if the aforesaid Richard of Willy should not be found in his bailiwick or [should be] a clerk, etc., then he should cause all the goods and chattels, and also all the lands and tenements which he had in his bailiwick on the day of the recognition aforesaid and after to be delivered without delay to the same Richard of Byfleet, to be held as his free tenement, etc., in the form aforesaid,

etc., in forma predicta, donec eidem Ricardo de Byflete de predicto debito plene fuisset satisfactum, simul cum dampnis, etc. Et qualiter, etc., scire faceret Regi hic, ad hunc diem, scilicet a die Sancti Michaelis in xv. dies, ubicumque, etc.

Ad quem diem vicecomes retornavit quod predictus Ricardus de Weleghe est de libertate episcopi Wyntoniensis de Farnham, et nichil habet etc., extra eandem libertatem; unde precepit Willelmo le Parker, ballivo ejusdem libertatis, qui inde sibi dedit responsum. Et idem vicecomes nichil ulterius respondit. Quod quidem retornatum insufficiens reputatur. Ideo predictus vicecomes, videlicet Nicholaus Gentil, in misericordia, et afforatur per Justiciarios ad dimidiam marcam.¹

VII.

²MICHAEL OF MELDON'S CASE (17 EDWARD II) (1328).

³ Whereas Michael of Meldon, parson of the church of Campsall (Yorks dioc.), on 29 Nov., 17 Edward II, acknowledged in the Chancery that he owed to Walter (de Stapeldon), late bishop of Exeter, 200 marcs to be paid at certain terms, and the said Michael, appearing personally in the Chancery of the present King, has asserted that he was detained in prison and his lands and chattels seized as forfeited by reason of the quarrel concerning Thomas, then earl of Lancaster, and that the said King gave his person and property aforesaid to the aforesaid bishop and to have deliverance thereof made the recognizance aforesaid, and has supplicated the present King to cause the same to be annulled according to the Act passed in the last Parliament; the King, willing that justice should be done, herein orders the sheriff to notify the executors of the late bishop to appear in the Chancery in the Quindisme of Candlemas to show cause why the aforesaid recognizance should not be cancelled and annulled according to the said Statute. Witness the King at York 28 January, 2 Edward III.

*Pro Waltero
Episcopo
Exoniensi.

Michaelis de Meldon, persona ecclesie de Camshale, Eboracensis diocesis, recognovit se debere Waltero episcopo Exoniensi, ducentas marcas, unde solvet ei in festo Pasche proximo futuro viginti et quinque marcas, et in festo Sancti Michaelis proximo sequenti viginti et quinque marcas, et sic de anno in annum ad eosdem terminos quinquaginta marcas quousque predictae ducente marce prefato episcopo persolvantur. Et nisi fecerit concessit quod predicta pecunia levetur de terris et catallis suis in comitatu Ebor' et alibi. Teste Rege, apud Notingham, xix die Novembris.

*Solvit inde xxv marcas. Solvit et quietus est, sicut Robertus de Taunton, unus executorum testamenti predicti episcopi [cognovit].*⁵

¹ 'di. marc' in the margin of the roll struck through. The process is repeated almost in the same words for each of the subsequent adjournments of this case from Michaelmas to Hilary and thence to Easter.

² *Placita in Cancellaria*, I/5 (2).

³ The King to the sheriff of Devon.

⁴ Close Roll, 17 Edward II, m. 31d. For previous mention of this case, see above, p. 57, and Introduction, p. xlviii. The Statute is 1 Edw. III (i), c. 3.

⁵ This bond is cancelled on the roll.

until full satisfaction should be given to the same Richard of Byfleet in respect of the aforesaid debt, together with the damages, etc. And in what manner, etc., he should make the King to know, here, at this day, namely in 15 days from the Day of S. Michael, wheresoever, etc.

At which day the sheriff returned that the aforesaid Richard of Willy is of the liberty of the Bishop of Winchester of Farnham, and has nothing, etc., without the same liberty ; whereupon he sent precept to William the Parker, bailiff of the same liberty, who gave him answer thereof. And the same sheriff answered nothing further. Which return, indeed, is reputed insufficient. Therefore the aforesaid sheriff, namely Nicholas Gentil, in mercy, and he is affected by the justices at half a marc.

For Walter,
Bishop of
Exeter.

Michael of Melton, parson of the church of Campsall in the diocese of York, recognized that he owed to Walter, bishop of Exeter, two hundred marcs, whereof he shall pay in the feast of Easter next to come twenty and five marcs and in the Feast of S. Michael next following twenty and five marcs and so from year to year at the same terms fifty marcs until the aforesaid two hundred marcs be paid off to the before-mentioned bishop. And unless he shall have done this he has granted that the aforesaid money shall be levied from his lands and chattels in the county of York and elsewhere. Witness the King, at Nottingham, the 19th day of November.

He has paid thereof 25 marcs. He has paid and is quit as Robert of Taunton, one of the executors of the will of the aforesaid bishop [has acknowledged].

VIII.

¹ ABSTRACTS OF TYPICAL CASES CONCERNING EARLY STATUTORY RECOGNIZANCES RECORDED IN THE PLEA ROLLS (1286).² (m. 55.)
Essex.

Precept to the sheriff to have here at this day the body of Guy of Shinfield for a former debt of 14 marcs, acknowledged before Ralph of Sandwich and John of Bakewell; whereof 62/s. . . were due to be paid at Easter, 14 Edward, and 62/s. at Michaelmas following. And he has not rendered them to him. And the sheriff did nothing therein. And as before the sheriff is ordered to have his body here [etc.].

Yet of the Quindisme of S. Michael. Waylaund (1286).

³ (m. 58.)
Oxon.

The sheriff was ordered to take the body of Richard l'Enveyse of Witney and to keep him safe in the King's prison until he has given satisfaction for a debt of 13s. 4d. payable at Midsummer, which he acknowledged before the above in London and which he has not yet paid. The sheriff is to report his proceedings herein at Martinmas.

⁴ (m. 169d.)
Oxford.

The sheriff was ordered to have here at this day the body of John le Myre of Witney, whom he took by the King's precept, as at another time he commanded the Justices here, to answer Peter Cosyn for a debt of one sack of wool, price 11 marcs, acknowledged at London, due at Midsummer, 16 Edward I, and not paid. *And the sheriff now comes and produces the afore-said John*; who says that he satisfied Peter for that debt up to 6½ marcs. Therefore he is committed to gaol of the Fleet, until he shall have satisfied Peter for those 6½ marcs, etc.

⁵ (m. 176d.)
Bucks.

Walter de Gayton indebted to John de Lovetot for 17 marcs, acknowledged at London, payable at the feast of S. Edward, 16 Edward I. *He is not found.* It is testified that he dwells in London; therefore a writ to the sheriffs, returnable here at Hilary: and whereof, etc., and it is testified, etc.

⁶ (m. 8.)
Nottingham.

To take the body of Thomas de Chaworth, knight and lord of Marnham, indebted to John le Neir of Lincoln in the sum of 43l. 13s. 4d.: acknowledged

¹ Some pleadings recorded in a few Edwardian plea rolls have been calendared and appended to the select cases printed above in the text of this volume, in the belief that they will give a fuller view of the nature and distribution of these 'statute' cases and, in particular, will illustrate the ordinary process, which is apt to be overlooked in examining cases of exceptional interest from the Year Books, or even the *Registrum Brevium*. This intensive study of local records will be further assisted by an analysis of the distribution of the 'statutes' inrolled in the several local registries, which has been indicated in another Appendix (above, pp. liii-lxxxvi) and will perhaps be found instructive. The returns made to the several writs by the sheriffs are printed here in italics.

² De Banco Roll (C.P. 40/75), Mich. 16-17 Edward I (1288).

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ C.P. 40/179, for Michaelmas Term 3 Edward II (1310).

at Lincoln, before John de Blyton, mayor, and Adam, son of Martin, clerk. Payable at Easter, 1 Edward II, 15*l.*, at Pentecost following 15*l.*, and at Michaelmas 13*l.* 13*s.* 4*d.* *His body was not found after that writ was delivered to him.*¹

² (m. 8.)
Notting-
ham.

Precept to the sheriff to cause Robert de Perepount to be sufficiently informed that he should be here at this day to show cause why his body should not be taken and detained in the King's prison until he shall have fully satisfied Gilbert of Chesterton for four sacks of wool, priced at 12 marcs, according to the form of the statute; which wool Robert, before John le Blunt, late mayor of London, and Henry of Leicester, then clerk of the lord King Edward, father of the now lord King, appointed for recognizances of debts to be taken there, acknowledged that he owed to the same Gilbert, and that wool or its price, he ought to have paid to Gilbert at the feast of the Nativity of S. John the Baptist in the 34th year of the reign of the aforesaid King, father of the now lord King, he has not yet paid to him, etc. Therefore, as before, the sheriff is ordered. And the sheriff now sends word that *the writ came too late, etc.* Therefore, as before, the sheriff is ordered to cause the aforesaid Robert to know, by sufficient messengers, that he is to be here in the Octaves of S. Hilary to show cause why, etc., and whereof, etc.

³ (m. 9.)
York.

To take the body of Robert de Kahagnes, knight, debtor to Hawise de Kahagnes and William de Kahagnes in the sum of 2000*l.*; acknowledged before John de Docklington, mayor of Oxford, and Thomas de Pyrye, clerk; payable at the feast of the Nativity of S. John the Baptist,⁴ 2 Edward II.

William and Hawise appear by attorney. Robert *is not found*. Writ, by the statute, returnable in 15 days of S. Martin.

⁵ (m. 28.)
York.

Warning to appear to show cause, to be served on Thomas, son of Robert of Northby of Gembling, Theobald of Brigham and Walter de Kelk, indebted to Master Robert of Scarborough by Robert Ughtred, his executor, in the sum of 100*s.* acknowledged at York before Andrew of Bolingbroke, late mayor, and Robert of the Sixteen Dales, then clerk; payable in 5 instalments of 20*s.* each, commencing at Michaelmas, 33 Edward I. *They came not.*

Precept to the bailiff of the liberty of the provostry of Beverley, who replied that *he made due service by Richard the clerk and Thomas Brown*. Therefore a precept is made to take their bodies, returnable in the Octaves of S. Hilary.

⁶ (m. 31.)
Derby.

Warning to show cause served on Richard de Morley, lord of Morley, etc., indebted to Gilbert of Chesterton in 10 sacks and 20 stone of wool out of 15 sacks and 30 stones priced at 12 marcs; before John the Palmer, late mayor of Nottingham, and John, son of Laurence Ingram, clerk: payment to have been made as of 5 sacks and 10 stones at Midsummer next and the same at Midsummer following. And the sheriff did nothing in the matter, but sent word that *Richard was taken and detained in the King's prison at Nottingham at*

¹ No further entries were made on the roll in this case.

² C.P. 40/179.

³ Ibid.

⁴ i.e. Midsummer.

⁵ C.P. 40/179.

⁶ Ibid.

the suit of the aforesaid Gilbert. Therefore he is to have a writ for the statute, returnable in the Octaves of S. Hilary.

¹ (m. 31.)
Derby.

Warning to appear to show cause served on Robert Kyte de Horseley, indebted to Gilbert of Chesterton in one sack and 2 stones of wool; acknowledged before John de Bere, late mayor of Nottingham, and the above-mentioned clerk; payable at Midsummer, 34 Edward I. *He has nothing whereby he can be warned.* Therefore let execution thereof be made. Let him have a writ for the statute, returnable here in the Octaves of S. Hilary.

² (m. 31.)
Nottingham.

As before, to take the body of Peter Pycot, lord of Radclive on Soar, indebted to Gilbert of Chesterton in 10 sacks of wool at 12 marcs per sack, payable at Midsummer,³ 1 Edward II.⁴ *The writ came too late.* As often before, returnable at Hilary.⁵

⁶ (m. 31.)
Derby.

Robert Kyte and another indebted to Gilbert of Chesterton in 32 stones of wool, value 9 marcs, acknowledged before the above mayor and clerk at Nottingham, payable in 15 days of Midsummer, 34 Edward I, to show cause why they should not be taken, etc. The sheriff returns that *he made due service on one and the other has nothing.* Therefore let execution be made hereof. Precept for their bodies to be taken; returnable at Hilary.

⁷ (m. 31.)
Derby.

Two more debtors of Gilbert of Chesterton bound as one to show cause (as above) in respect of one sack 2 stones of wool: acknowledged at Nottingham before the above. Payable in the Quindisme of S. John the Baptist, 25 Edward I. The sheriff returns as above. Execution awarded sheriff to take their bodies. Writ for the statute returnable at Hilary.⁸

⁹ (m. 31.)
Derby.

Two more debtors of the same Gilbert [de Castreton de Graham¹⁰] bound in 10 marcs before the same mayor, etc., payable by 5 marcs at S. Martin's and 5 marcs at Pentecost following. Therefore execution to be made. Precept to take their bodies returnable at Hilary.

¹¹ (m. 33.)
London.

John Flemyng indebted to Henry de Evenfeld, knight, in 10 marcs, before Nicholas of Faringdon, mayor, and John le Blund, clerk. Payable at Midsummer, 2 Edward II. *He is not found.* Writ returnable Martinmas. *He did not send the writ.* As before, a writ for the statute returnable at Candlemas.¹² *The writ was not sent.* As oft-times, the writ returnable at Midsummer.

¹ C.P. 40/179.

² Ibid.

³ i.e. Feast of the Nativity of S. John the Baptist.

⁴ Place of acknowledgment not stated.

⁵ i.e. the Octaves of S. Hilary.

⁶ C.P. 40/179.

⁷ Ibid.

⁸ i.e. the Octaves of S. Hilary.

⁹ C.P. 40/179.

¹⁰ A corruption of Graffham.

¹¹ C.P. 40/179.

¹² i.e. the Annunciation of the B.V.M.

¹ (m. 39.)
York.

Without regard to the liberty of Holderness, to have the body of the bailiff, for Stephen of Keyingham, who is indebted to Thomas of Corbridge, deceased, in 11 marcs, payable half at Pentecost, 27 Edward I, and half at Michaelmas following; before James le Flemeng, mayor of York, and Robert the clerk, as above. The King has been informed by the executors as to non-payment. Stephen does not come and is ordered to appear, etc. Execution to be made and Stephen taken by writ returnable at Hilary. The bailiff aforesaid is mainperned by 4 persons named, and they are in mercy, and the sheriff to distrain the bailiff by all his lands, etc., and to account for the issues and to have his body at the term aforesaid. Precept to the sheriff not to omit, etc., by reason of the liberty aforesaid.

² (m. 52.)
York.

William, son of Alan de Knapton, and William, son and heir of Richard de Butterwick, were indebted to George le Flemang of York, 13 Feb., 25 Edward I, at York in the sum of 60*l.*, payable at Pentecost in the year aforesaid. William of Whitby of York, executor. Returnable in 15 days of Easter. To deliver at a reasonable price and extent.

The executor comes by his attorney, and the sheriff returns that *none has sued on behalf of the executor to recover seisin*. Therefore, as oft-times, let a writ be made for the statute, returnable in 15 days of Hilary. And let him have there, etc. The aforesaid executor comes and the sheriff returned that *he ordered John de Thornton, bailiff of the liberty of the Abbot of S. Mary of York*: who did nothing. Therefore the sheriff is ordered that he should not omit on account of that liberty, etc., returnable in three weeks of Easter and to have there, etc. The aforesaid executor came and the sheriff did nothing nor sent the writ; therefore as before, etc., the sheriff is ordered; returnable in 15 days of Michaelmas.

³ (m. 57.)
London.

Ralph, son of Peter of London, deceased, is indebted to Richer of Reepham, citizen and alderman of London, in 200*l.*, payable at London in four instalments of 50*l.* from Christmas, 33 Edward I, to Michaelmas following. Returnable in 3 weeks of Easter. To deliver at a reasonable price and extent. The sheriff returned that *he had [made up] 44*s.*/6*d.*, which Godfrey of Essex afterwards bought from the same Ralph. Which rents with other tenements he has delivered until, etc.* And the King has understood on behalf of John, the son and heir of the aforesaid Godfrey, that Ralph alienated this rent to one David le Scot two years before the date of the recognizance. Therefore the sheriff is ordered to distrain the said Richer. And Richer does not come, and is distrained for half a marc. Therefore he is in mercy. And the sheriff is ordered, as oft-times, to distrain on all Richer's lands and to have his body before the King on the morrow of Candlemas, wheresoever, etc., to show why John should not have that rent and to receive further what the court shall award.

⁴ (m. 65.)
York.

The sheriff is ordered to take the body of Thomas de Colevill, knight, until satisfaction is given to Roger, son of Roger Basy of York, in a debt of 41*l.* 8*s.* 7*d.*

¹ C.P. 40/179.

² Coram Rege Roll, M., 1 Edward III (K.B. 27/270) (1327).

³ Ibid.

⁴ Ibid.

Recognized at York. Payable in three instalments from Pentecost, 3 Edward II, to the same feast following. Writ returnable at Michaelmas, wheresoever, etc. The sheriff returns that *the writ came too late*, etc. Therefore as beforc, etc. ; returnable at Hilary ; wheresoever, etc.

¹ (m. 70.)
York.

The sheriff ordered, as at another time, that all the lands and tenements should be delivered by reasonable price and extent in respect of a debt of 50 marcs recognized at York and payable at divers terms ($33/4$ for the first two terms and $66/8$ for the rest) from Thomas, son of Thomas, son of Simon of Barnby on Derne, to George le Flemang, citizen and merchant of York, now deceased, whose executor is William of Whitby of York, and the date of the recognizance 8 October, 17 Edward I.

Writ returnable in 15 days wheresoever, etc. And the executor, by his attorney, came. And the sheriff returned that *none has sued on behalf of the aforesaid executor to recover seisin*, etc. Therefore, as oft-times, let a writ be made by the statute returnable in 15 days of Hilary. At which day the executor came, and the sheriff returned that *he informed the bailiff of the liberty of Osgoodcross, who did nothing*, etc. Therefore he is ordered not to spare for the liberty returnable in 3 weeks of Easter, etc. And to have there, etc.

² (m. 77.)
Lincoln.

Precept to the sheriff that he should take the body of Robert Raufneve of Scotter of Lincoln, merchant, indebted to John de Leycester of Lincoln. Date of recognizance, S. Mark, 7 Edward I, at Lincoln, 5*l.* 16*s.* Writ returnable in 15 days of Michaelmas, wheresoever, etc. And the sheriff returned that *he is not found*. Therefore let a writ be made returnable in 15 days of Hilary. And the sheriff returned *he is not found nor has anyone sued on behalf of John of Leicester*. Therefore, as before, let him have a writ returnable in 3 weeks of Easter. And let him have there the names, etc. And the sheriff did nothing and did not send the writ. Therefore as oft-times.

³ (m. 78.)
Norfolk.

Precept to the sheriff, as before, to take the body of William the Potter, merchant, of Great Yarmouth, indebted to John de Stoke of Rollesby, merchant, now deceased, whose executors are Nicholas de Baryngham, chaplain, and Master Stephen Aleyn, parson of the church of Burgh in Flegg. Acknowledged in Norwich, to the amount of 9*l.*, payable in equal portions at Michaelmas, 11 Edward II, and S. Faith following. Writ returnable in 15 days of Michaelmas, wheresoever, etc. And the sheriff returned that *the writ came so slowly*, etc. Therefore, as before, let them have a writ returnable in 15 days of Hilary. And the sheriff sent no writ. Therefore, as oft-times, etc., returnable in 3 weeks of Easter.

⁴ (m. 82.)
Kent.

Precept to the sheriff that he should take the body of John Abel, knight,⁵ indebted to William of Cowley, pepperer of London, in the sum of 40*l.*, acknowledged in London and payable at Christmas, 4 Edward II. Writ

¹ Coram Rege Roll, M., 1 Edward III (K.B. 27/270).

² Ibid.

³ Ibid.

⁴ Ibid.

⁵ Cf. above, Appendix V (p. 106).

returnable in the Octaves of S. Michael. The sheriffs return *that he is dead*. Recognizance produced in court.¹ Therefore let him have a writ by the Statute, returnable in the Octaves of S. Hilary. And the sheriff did nothing therein nor sent the writ. Therefore, as at another time, returnable in 15 days of Easter, wheresoever, etc.

² (m. 92.)
Warwick. Precept to the sheriff to take the body of Richard Hod of Nottingham, merchant, indebted to Nicholas de Shelford of Nottingham for the sum of 20s. unpaid out of 50s. Date of recognizance 19 April, 18 Edward II, 10s. payable at Christmas, 19 Edward II, and 10s. at Christmas following. Writ returnable here on the Morrow of All Souls. And the sheriff returned that *he took his body and detained it*. Therefore let a writ be made for him, etc., returnable in 15 days of Easter, wheresoever, etc.

(m. 92.)
Nottingham. William de Trenwell, merchant, indebted to Nicholas of Shelford of Nottingham, merchant, in 30s., acknowledged at Nottingham, payable at Christmas, 19 Edward II, 20s. and at Christmas following 10s. Let his body be taken. *The writ came too late*. As at another time, returnable in 15 days of Easter, wheresoever, etc. And whereof, etc.

³ (m. 20d.)
York. John of Wath of Slingsby, and Robert, son of John of Wath, indebted to Adam de Kyrkeby of Misperton, now deceased, and Gilbert de Dunham, the latter's executor, in the sum of 12 marcs, payable at Christmas, 4 Edward II. Let him take their bodies.⁴

⁵ (m. 45d.)
York. Thomas de Shepely was indebted to William de Hameltone, formerly archdeacon of York, now deceased, in the sum of 70 marcs. Date of recognizance 21 July, 19 Edward I. To be extended and delivered to the executor. *No one sued*. Therefore, etc., as before, returnable in 15 days of Easter. *He has not sent the writ*. As oft-times; returnable in 15 days of Michaelmas.

⁶ (m. 78d.)
Lincoln. Adam, son of Robert, son of Roger of Carleton next Bassingham, and Richard, son of Robert of Carleton by Weston, indebted to John de Blyton of Lincoln, deceased, in 7l. 10s., acknowledged at Lincoln. *Adam is dead and Richard is not found*.⁷

⁸ (m. 70d.)
York. Precept to the sheriff that he omit not by reason of the liberty of the provostry of Beverley to deliver at reasonable price and extent all the lands, etc., except lands and tenements in Kelyngthorp, of James de Frevill', knight, deceased, indebted to Roger Ughtred in 300l., acknowledged at York, Michaelmas, 4 Edward II. *The writ came too late*. As before, returnable in 15 days of Easter. *He did not send the writ*. As oft-times; returnable in 15 days of Michaelmas.

¹ See above, p. 107, for this bill obligatory, which is of special interest.

² Coram Rege Roll, M., 1 Edward III (K.B. 27/270).

³ Ibid.

⁴ Cancelled by cross-lines.

⁵ Coram Rege Roll, M., 1 Edward III (K.B. 27/270).

⁶ Ibid.

⁷ See the preceding case, with which this is connected.

⁸ Coram Rege Roll, M., 1 Edward III (K.B. 27/270).

¹ (m. 92d.) Ralph Algood indebted to Walter de Thornton, now deceased, in the sum of 46/8; acknowledged at Nottingham and payable at Christmas, 32 Edward I, etc., at the suit of his executors. Let his body be taken and extend and deliver.
Lincoln.

Mandate to the Earl of Richmond's bailiff of the liberty in Torksey: *who gave no reply*. The sheriff is not to spare for the liberty, etc., in 15 days, and let him have that bailiff's body to make reply.

² (fo. 87d.) Robert Turry of Stapleford, and Richard, son of Robert of Carleton by Weston, indebted to John de Blyton of Lincoln, deceased (John and William, his sons, sue as his executors). Debt 60*l.*, acknowledged at Lincoln; 24*l.* still unpaid. To take their bodies. *Robert is dead and Richard is not found*. And because the executors do not proffer here in court the 'statute'³ of the recognition aforesaid, nor even testimony whereby, etc., therefore a day is given to the aforesaid executors in 15 days from Hilary, wheresoever, etc., and let execution thereof be stayed until, etc. At which day the aforesaid executors proffer the will, in which administration is to be granted to the aforesaid John and William, and also to John de Waghen, chaplain, and John de Artaz. And because the last two executors are not named in the writ, therefore no execution is to be made to them thereof, etc.
Lincoln.

(m. 112d.) John Giffard of Twyford in the county of Bucks indebted to Peter, son of Eustace de la Rokele of Wootton, in 6*l.*, acknowledged at Oxford, payable at Midsummer, 19 Edward II. Let his body be taken. *He is not found*. Let him have the writ, etc., returnable in 15 days of Easter, wheresoever, etc.
Bucks.

(m. 112d.) Richard attc Yate, goldsmith, of Ludgershall in the county of Bucks, indebted to the above Peter in 40*l.*, at Oxford, at the same term. Like proceedings taken.
Bucks.

IX.

⁴ THE CASE OF FRIAR JOHN BAVENT BEFORE THE KING'S COUNCIL (1372).

Sworn information given before the King's Council by William Stile: That he prosecuted two 'statutes' merchant of 5000*l.* purporting to be made by Sir Roger Bavent to John Bavent his son, as to which in the King's Bench Sir Roger swore that they were forgeries and made without his knowledge; whereupon the suit was stayed by a *Supersedeas* from the Chancery. That after the death of Sir Roger Bavent, William Stile sued by petition for lands purporting to be entailed to Sir Roger's widow Hawise, in answer

¹ Coram Rege Roll, M., 1 Edward III (K.B. 27/270).

² Ibid.

³ i.e. the 'bill obligatory' delivered to the recognizee by the clerk as a record of the debt.

⁴ Close Roll, 46 Edward III (m. 12d). For some other cases in this period, see the official Calendar.

whereto it was averred that Hawise had a forged seal of Sir Roger whereby the entail was invented and forged. And that Sir Roger knew this ; which Hawise then confessed, showing how the deed was forged and the false seals : and thereupon consented that John, her son, should bind himself to become a Friar Minor : and so it was done.

X.

BURTON v. DAVY (1437).

¹Henricus Dei gratia Rex Anglie et Francie et Dominus Hibernie, majori civitatis sue Londonie salutem. Volentes certis de causis certiorari super tenore recordi et processus loquele que fuit coram Henrico Frowyk nuper majore et aldermannis Londonie, sine brevi nostro, secundum consuetudinem ejusdem civitatis inter Johannem Burton de civitate Norwici, marchaut, et Eliam Davy de Londonia marchaut, de debito triginta librarum quod idem Johannes a prefato Elia exigebat, ut dicitur. Vobis mandamus, sicut alias mandavimus, quod tenorem recordi et processus loquele predictæ nobis in Cancellariam nostram sub sigillo vestro distincte et aperte sine dilacione mittatis et hoc breve; vel causam nobis significetis quare mandato nostro alias vobis directo minime paruistis. Teste me ipso apud Westmonasterium, xiiij die Februarii, anno regni nostri quinto decimo.

[*Indorsed*] Responsio Johannis Michell, majoris civitatis Londonie.
Tenor de quo interius fit mentio patet in cedula consuta.

Memorandum quod decimo die Augusti, anno regni Regis Henrici Sexti post conquestum quarto-decimo, Johannes Walden, mercator, venit, tulit et ostendit ad curiam mercatoriam tentam hic, in interiori camera Guyhalde civitatis Londonie, coram Henrico Frowyk tunc majore et aldermannis ejusdem civitatis, quandam literam escambij, pagamenti sive solucionis triginta librarum sterlingorum apud villam mercatoriam de Bruges in partibus Flandrie per Johannem Audeley, factorem et attornatum Elie Davy mercatoris, scriptam, factam et eidem Elie, magistro suo, ad solvendum easdem triginta libras cuidam Johanni Burton, mercatori, vel portitori litere predictæ, directam, in hec verba:

A mon treshonure mestre Elys Davy, mercer, a Loundres, soit done: Treshonure sire vous please assavoir que jay resceu yci de John Burton par eschange xxxl., appaiers a Loundres al avauntedit John ou al portour diceste lettre de paiement le xiiij jour de March' proch[ain] a venir, par cest ma premier et seconde lettre de paiement. Et je vous emprie quil soit bien paie a le jour. Escript a Bruges, le x jour de Decembre, par vostre attourne,
JOHN AUDELEY, etc.

Et cum hoc per quandam billam sive supplicacionem factam, sub nomine prefati Johannis Burton, secundum legem mercatoriam et consuetudinem civitatis Londonie in hujusmodi casibus, a tempore quo non extat memoria usitatas et approbatas, petit versus eundem Eliam dictas xxxl., etc., eo quod cum, decimo die Decembris anno predicto, apud dictam villam mercatoriam de Bruges, predictus Johannes Audeley, pro panno lineo et aliis mercandis per ipsum ad opus et usum dicti Elie, magistri sui, tunc ibidem emptis et ad

¹ Chancery Miscellanea, Bdle. 68, File 13, No. 395.

X.

BURTON *v.* DAVY (1437).

Henry by the grace of God King of England and France and Lord of Ireland, to the mayor of his city of London, greeting. Wishing for certain causes to be certified upon the tenor of the record and process of the plea which was before Henry Frowyk, late mayor, and the aldermen of London, without our writ, according to the custom of the same city, between John Burton of the city of Norwich, merchant, and Elias Davy of London, merchant, concerning a debt of thirty pounds, which the same John was exacting from the before-mentioned Elias, as it is said. We ask you, as elsewhere we have asked you, that you do send the tenor of the record and process of the plea aforesaid to us into our Chancery, under your seal distinctly and openly, without delay, and this writ, or signify to us the cause wherefore you have in no way obeyed our command directed to you at another time. Witness myself at Westminster, the 14th day of February, in the fifteenth year of our reign.

[*Indorsed*] The answer of John Mitchell, mayor of the city of London :
The tenor of which mention is made within appears in a schedule sewn on to this.

Be it remembered that on the tenth day of August in the fourteenth year of the reign of King Henry the Sixth after the Conquest, John Walden, merchant, came, brought and showed at the court merchant held here in the inner chamber of the Guildhall of the city of London, before Henry Frowyk, then Mayor, and the aldermen of the same city, a certain letter of exchange, payment or disbursement of thirty pounds sterling, at the merchant town of Bruges in the parts of Flanders, by John Audeley, factor and attorney of Elias Davy, merchant, written, made and directed to the same Elias, his master, to pay the same thirty pounds to a certain John Burton, merchant, or to the bearer of the letter aforesaid, in these words :

To my very honoured master Elias Davy, mercer, at London, let this be given : Very honoured sir, please it you to know that I have received here of John Burton, by exchange, 30*l.* payable at London to the aforesaid John or to the bearer of this letter of payment on the 14th day of March next coming, by this my first and second letter of payment. And I pray you that it may be well paid at the day. Written at Bruges, the 10th day of December, by your attorney
JOHN AUDELEY, etc.

And herewith, by a certain bill or 'supplication' made in the name of the before-mentioned John Burton, according to the law merchant and custom of the city of London, in such like cases used and approved from a time of which no memory survives, he asks against the same Elias the said 30*l.*, etc., for that whereas on the tenth day of December in the year aforesaid, at the said merchant town of Bruges, the aforesaid John Audeley, for linen cloth and other merchandises by him then and there bought for the need and use of the said Elias, his master, and afterwards brought into his possession here,

possessionem suam hic in Londonia postea deventis, suscepisset per viam escambii, prout communis moris est mercatorum ibidem, de prefato supplicanti per manus Thome Hanworth mercatoris, tunc factoris sui, dictas xxxl. sterlingorum deliberando sibi dictam literam pro securitate resolucionis ejusdem summe prefato Johanni Burton, vel portitori litere predicte, xiii^o die Marcij tunc proximo sequente faciende. Et licet ad eundem diem, et sepius postea, prefatus supplicans per dictum Johannem Walden, portitorem litere predicte, qui loco suo tenetur et habetur in hoc casu, juxta leges et consuetudinem predictas optulerit predicto Elie literam illam, petendo solucionem dictarum triginta librarum sibi fieri, juxta vim, formam et effectum ejusdem litere ac legis et consuetudinis predictarum, idem tamen Elias hoc facere penitus denegavit et contradixit, et adhuc denegat et contradicit, ad dampnum, etc. ; unde petit remedium secundum easdem legem et consuetudinem, etc. Super quo, etc., preceptum fuit Johanni Stork, uni servientum ad mandata dicte curie mercatorie exequenda deputato, quod premuniat prefatum Eliam essendi hic in curia predicta primo die Septembris tunc proximo futuro, secundum legem et consuetudinem predictas examinaturus et responsurus super literam solucionis et aliis materiis supradictis, etc. Et dictum est predicto Johanni Walden, portitori litere predicte, qui loco dicti supplicantis tenetur, habetur et admittitur in hoc casu, juxta legem mercatoriam et consuetudinem antedictas, quod custodiat tunc hic diem suum, etc.

Ad quem diem tam eodem Johanne Walden quam prefato Elia personaliter comparentibus, idem Elias petiit auditum litere solucionis et supplicacionis predictarum que ei legebantur. Quibus lectis et auditis petit diem ad se advisandum de responsione etc. Et quia major et aldermanni pro diversis arduis et urgentibus causis civitatem tangentibus non advisabantur ad tunc de aliquo die in certo partibus assignando in hoc casu ; ideo pro eo quod nulla discontinuacio, juxta legem et consuetudinem predictas, jacet hic in aliquibus hujusmodi cur[ie] casibus mercatoriis, dictum est partibus quod custodiant diem suum ad proximam curiam mercatoriam tenendam hic post Crastinum Animarum tunc proximo sequens, ad faciendum, etc. Et interim . . . dominus Rex . . . precepit . . . majori [etc.] . . . quod causam predicti debiti . . . haberent coram justiciariis suis apud Westmonasterium die Veneris tunc proximo sequente, etc.

Qui quidem major [etc.] executi sunt breve predictum et ulterius retornarunt¹ super eodem brevi, quod civitas Londonie est, et a toto tempore fuit, una antiquiorum² et notabiliorum² villarum et stapularum mercatoriarum totius regni Anglie. Quodque juxta legem mercatoriam et antiquas libertates et liberas consuetudines ipsius civitatis, ibidem a toto tempore predicto in favorem mercatorum, et pro eorum justitia maturanda usitatas et approbatas, ac tam per diversas literas patentes et cartas dicti domini Regis nunc et progenitorum suorum, quam per diversa statuta et parlamenta eorundem

¹ This very interesting and important representation may be compared with those made on similar occasions. Cf. Guildhall Letter Bk. K, pp. 184, 208, and *Law Merchant*, Vol. II, pp. 76-78. See also the references given above, pp. 50, 106, n. 5, and Introduction, pp. xxxiii, li.

² Sic in record.

in London, had received by way of exchange as is done by the common custom of merchants there, the said 30*l.* sterling from the before-mentioned supplicant by the hands of Thomas Hanworth, merchant, then his factor, delivering to him the said letter for security of repayment of the same sum to be made to the before-mentioned John Burton, or to the bearer of the letter aforesaid, on the 14th day of March then next following. And although at the same day, and often afterwards, the aforesaid supplicant, by the said John Walden, bearer of the letter aforesaid, who is held and reputed and admitted in the place of the said supplicant in this case according to the laws and custom before said, produced to the aforesaid Elias that letter, demanding payment of the said thirty pounds to be made to him according to the force, form and effect of the same letter and of the law and custom aforesaid, yet the same Elias to do this altogether denied and refused and still denies and refuses, to the loss, etc. Whereupon he asks for a remedy according to the same law and custom, etc. Whereupon, etc., precept was made to John Stork, one of the servants appointed to execute the mandates of the said court merchant, that he should premonish the before-mentioned Elias to be here in the court aforesaid on the first day of September next to come, according to the law and custom aforesaid, to be examined and to answer upon the letter obligatory and the other matters aforesaid. And it is said to the aforesaid John Walden, bearer of the letter aforesaid (who is held, reputed and admitted in place of the said supplicant in this case, according to the law merchant and custom before said), that he is to keep his day here then, etc.

At which day both the same John Walden and the aforesaid Elias personally appearing, the same Elias asked for a hearing of the letter of payment and of the supplication aforesaid, which were read to him. And when they had been read and heard he craved a day to advise himself as to an answer, etc. And because the mayor and aldermen for divers difficult and urgent causes touching the city were not then advised of any certain day to be assigned to the parties in this case, therefore, because no discontinuance, according to the law and custom aforesaid, is permitted in any mereantile causes of a court of this nature, it is said to the parties that they are to keep their day at the next court merchant to be held here after the Morrow of All Souls then next following, to do, etc. And in the meantime . . . the lord King . . . ordered . . . the mayor [*etc.*] . . . that they should have the cause of the aforesaid debt . . . before his justices at Westminster on Friday then next following, etc.

And the mayor [*etc.*], indeed, executed the writ aforesaid, and they returned, further, upon the same writ, that the city of London is and from all time has been one of the most ancient and notable cities and merchant staples of the whole realm of England. And that according to the law merchant and the ancient liberties and free customs of the city itself, there for the whole time aforesaid used and approved in favour of merchants and for maturing justice towards them and often specially or generally ratified as well by divers letters patent and charters of the said now lord King and of his progenitors, as by divers statutes and parliaments of the same, . . . the

specialiter et generaliter sepius ratificatas . . . major [etc.] habent . . . et habere debuerunt et consueverunt a toto tempore supradicto infra civitatem predictam potestatem et usum audiendi et cognoscendi causas et acciones omnium et singulorum mercatorum civitati predictae confluencium, et versus alios mercatores inibi residentes pro quibuscumque mutuis, barettis, ecambiis et literis pagamenti, aliisque rebus et contractibus mercatoriis inter ipsos mercatores, seu factores suos, apud quascumque ferias, nundinas seu villas mercatorias extra regnum Anglie per viam mercandisacionis factis vel initis querulancium, causasque et acciones illas per juratas mercatorum locum exterum, ubi res et contractus hujusmodi supponuntur, et predictam civitatem interventium,¹ si partes ad hec consenserint, triandi, vel hujusmodi triacione non habita, per examinationes et confessiones ipsarum parcium, seu testes, literas aut instrumenta vel alia probacionum genera ydonea facti veritatem declarancia, juxta legem mercatoriam et consuetudinem antedictam adjudicandi, finiendi et determinandi per remedium bone fidei congruum et rationi consonum in hac parte apponendum.

Quibus postea inspectis et rationibus similiter parcium predictarum coram prefatis justiciariis auditis, pluribus de causis eosdem justiciarios moventibus, idem dominus Rex per breve suum premissa recitans, que remanet in filacio brevium de hoc anno, remisit hic causam predictam, mandans prefato majori [etc.] quod in causa illa cum celeritate qua de lege mercatoria et consuetudine civitatis predictae poterant procederent inter partes predictas dicto priori brevi suo in aliquo non obstante. Super quo, etc.¹

Et postea ad curiam mercatoriam tentam hic xxix die ejusdem mensis Novembris . . . ad quem diem . . . tam predictus Johannes Walden portitor litere predictae qui loco dicti supplicantis tenetur et habetur in hoc casu juxta legem mercatoriam [etc.] quam prefatus Elias in propria persona comparent. Qui quidem Elias acionatus et examinatus de premissis non contradicit quin dictus Johannes Audeley tempore suscepcionis xxxl. predictarum et confectionis litere solucionis earundem et diu postea fuerat factor et attornatus suus. Nec quin exposuerat easdem xxxl. circa mercandisas ad usum ipsius Elie emptas, et [ad] possessionem suam deventas, ut premittitur.

Et super hoc quia tam per sacramentum dicti Thome Hanworth qui deliberavit, quam sacramentum predicti Johannis Audeley qui recepit denarios predictos per escambium in forma predicta, et alia probacionum genera copiosa negotii predicti veritatem manifeste declarancia, sufficienter constat hic huic curie omnia premissa fuisse et esse vera, sicut superius per dictum portitorem litere, nomine supplicantis, supponuntur; ideo consideratum est per eandem curiam mercatoriam juxta legem mercatoriam et consuetudinem predictam in hujusmodi casibus [etc.] usitatas et approbatas, quod idem Elias juxta vim, formam et effectum dicte litere solvat easdem xxxl. prefato supplicanti vel Johanni Walden portitori ejusdem litere, qui loco suo tenetur et habetur in hoc casu, etc., juxta legem mercatoriam et consuetudinem antedictam, etc., et xxs. ultra pro dampnis in hac parte habitis et sustentatis, etc.

¹ Sic in record.

mayor [etc.] have . . . and ought and have been wont to have for the whole time aforesaid within the city aforesaid the power and use of hearing and considering causes and actions of all and singular merchants flocking to the city aforesaid and for other merchants resident therein, as to all manner of loans, barrattries, exchanges and letters of payment and other things, and mercantile contracts made or entered into between merchants themselves or their factors making complaints at whatsoever ordinary fairs, yearly fairs or merchant towns outside the realm of England, by way of merchandising ; and of trying those causes and actions by juries of merchants passing between a foreign place, where matters and contracts of that nature are to be supposed, and the aforesaid city, if the parties shall have agreed to these things ; or if this sort of trial is not held, by the examinations and confessions of the parties themselves, or witnesses, correspondence or instruments or other suitable kinds of proofs declaring the truth of the deed, according to the law merchant and the custom beforesaid of adjudging, concording and determining by applying a remedy agreeable to good faith and consistent with reason in this behalf.

And when these evidences were afterwards inspected and the reasonings of the parties aforesaid likewise heard before the above-named justices, for many reasons moving the same justices, the same lord King, reciting the premises by his writ (which remains in the file of writs of this year), remitted here the cause aforesaid, commanding the before-named mayor [etc.] that they should proceed in that cause between the parties aforesaid with such speed as they were able by the law merchant and custom of the city aforesaid, his said former writ in any way notwithstanding. Whereupon, etc.

And afterwards at the court merchant held here on the 29th day of the same month of November . . . at which day . . . as well the aforesaid John Walden, bearer of the letter aforesaid, who is held and reputed in the place of the said supplicant in this case according to the law merchant, etc.) as the before-mentioned Elias in his proper person appear. Which Elias, indeed, tried and examined concerning the premises, does not deny that the said John Audeley at the time of the taking up of the 30*l.* aforesaid and of the making of the same letter for payment of the same, and long after, had been his factor and attorney ; nor that he had laid out the same 30*l.* upon merchandises bought to the use of him, Elias, and [which had] come into his possession, as is premised.

And hereupon, because as well by the oath of the said Thomas Hanworth who delivered, as of the aforesaid John Audeley who received the moneys aforesaid by exchange in the form aforesaid, and other numerous kinds of proofs manifestly declaring the truth of the matter aforesaid, it appears to this court here sufficiently clear that all the premises were and are true, as above they are supposed to be by the bearer of the letter in the name of the supplicant ; therefore it is awarded by the same court merchant according to the law merchant and the custom aforesaid in such like cases [etc.] used and approved, that the same Elias, according to the force, form and effect of the said letter, is to pay the same 30*l.* to the before-mentioned supplicant or to John Walden, the bearer of the same letter (who is held and reputed in his place in this case, etc., according to the law merchant and custom beforesaid), and 20*s.* further for damages had and sustained in this behalf, etc.

XI.

BAIL BOND TO APPEAR IN THE CHANCERY *SUB PENA* (1437).

¹Henricus Dei Gratia [*etc.*] vicecomitibus Londonie salutem. Precipimus vobis quod Johannam Gerard, quocunque nomine censeatur, captam et in prisiona nostra sub custodia vestra detentam, ut dicitur, habeatis coram nobis in Cancellaria nostra in Quindena Sancti Michaelis proxima, ubicumque tunc fuerit, unacum causa capcionis et detencionis ejusdem Johanne in prisiona predicta. Et hoc nullatenus omittatis. Et habeatis ibi tunc hoc breve. Teste me ipso apud Westmonasterium, xxx die Septembris anno nostro sexto decimo.

[*Indorsed*] Ante adventum istius brevis, Johanna Gerard infrascripta capta fuit et in prisiona domini Regis ibidem sub custodia nostra detenta, pretextu cujusdam querele super ipsam et Johannem Gerard, virum suum, nondum captum, ad sectam Roberti Walden, vynter, in placito transgressionis in curia domini Regis coram Willelmo Gregory, nuper uno vicecomitum Londonie, levate; unde tam dictus Ricardus quam predicta Johanna posuerunt se in inquisitionem patrie in eadem curia coram prefato vicecomite.

Et eadem Johanna . . . detenta est in prisiona predicta pretextu. . . .²

Ipsa tamen Johanna coram domino Rege in Cancellaria sua ad diem infra contentam habemus, prout nobis interius precipitur.

[*Docketed*] Responsio Willelmi Chapman et Willelmi Hale.

M[anucaptio] Johanne que fuit uxor Johannis Gerard, de habendo ipsam coram domino Rege in Cancellaria sua die Mercurii proximo futura; et sic de die in diem quousque, etc., videlicet uterque eorum sub pena viginti marcarum quas concesserunt, etc., si, etc. Et quod interim [geret] pacem Willelmo Branden, fuller, sub eadem pena. Teste Rege apud Westmonasterium, xiiij die Octobris.

Ad quem diem prefata Johanna comparuit et super hoc dimissa est de curia ex assensu partis querentis et per curiam quietam sine die.

Cristeforus Hernage de London',
gentilman.³

Johannes Dewall' de London',
gentilman.

Willelmus Martyn de London',
goldsmyth.

Nicholas Goldsmyth de parochia
Sancte Marie de le Stronde.

¹ Chancery Miscellanea 114/44.

² Two other charges follow against Joan and her man who is not yet taken.

³ The names in the right-hand column are those of the mainpennors.

XI.

Henry by the grace of God [*etc.*] to the sheriffs of London, greeting. We order you that you have Joan Gerard (by whatever name she may be reputed), taken and detained in our prison under your ward, as it is said, before us in our Chancery in the Quindisme of S. Michael next, wheresoever it may then be, together with the cause of the taking and detention of the same Joan in the prison aforesaid. And this you shall in no wise omit. And you are to have there then this writ. Witness myself at Westminster, the 30th day of September in our sixteenth year.

[*Indorsed*] Before the coming of this writ the within-written Joan Gerard was taken and detained in the lord King's prison there under our ward by pretext of a certain complaint against her and John Gerard, her man, not yet taken, at the suit of Robert Walden, vintner, in a plea of trespass, raised in the court of the lord King before William Gregory, lately one of the sheriffs of London; whereupon both the said Richard and the aforesaid Joan put themselves on an inquisition of the country in the same court before the before-mentioned sheriff.

And the same Joan is detained in prison by pretext . . .¹

However we have her, Joan, before the lord King in his Chancery at the day contained below, as precept is given to us within.

[*Docketed*] The answer of William Chapman and William Hale.

M[ainprise] of Joan who was the wife of John Gerard, for having her before the lord King in his Chancery on Wednesday next coming; and so from day to day until, etc.; if, etc. And that meanwhile she shall keep the peace to William Branden, fuller, under the same pain. Witness the King at Westminster, the 14th day of October.

At which day the before-mentioned Joan appeared and hereupon is dismissed from the court by the assent of the party complaining; and is quit by the court without day.

Christopher Hernage of London, gentleman.

John Dewall of London, gentleman.

William Martyn of London, goldsmith.

Nicholas Goldsmith of the parish of St. Mary of the Strand.

¹ See note 2 opposite.

XII.**BOND FOR DUE PERFORMANCE OF OFFICIAL DUTIES.**

¹Noverint universi per presentes me Joannem Oliver de London, clericum, teneri et firmiter obligari Briano Tuke, militi, thesaurario Camere domini Regis, . . .² in quinquaginta libris legalis monete Anglie; solvendis eisdem Bryano, etc., aut eorum uni, executoribus vel assignatis suis ad usum domini Regis in festo Sancti Bartolomei Apostoli, proximo futuro post datum presencium. Ad quam quidem solutionem bene et fideliter faciendam, obligo me et exeeutores meos, per presentes, sigillo meo sigillatos. Data xxij die Maij, anno regni domini Henrici Octavi, Dei Gracia Anglie et Francie Regis, Fidei defensoris, et domini Hibernie, xxiiij^o.

Per me Joannem Olyver
*manu propria.*³

XIII.**⁴ CUSTOMS BOND FOR OVERSEAS TRADE (1564).**

Noverint universi per presentes nos Henricum Byarre, mercatorem Hansie, et Robertum Puckeryng de Kyngeston super Hull, generosum, teneri et firmiter obligari excellentissime Domine Regine Elizabethe, Dei gratia [etc.] in quatuor centum libris bone et legalis monete Anglie; solvendis eidem Domine Regine heredibus et successoribus suis in festo Sancti Johannis Baptiste proximo futuro post datam presencium; ad quam quidem solutionem bene et fideliter faciendam obligamus nos et utrumque nostrorum per se, pro toto, et insolidum, heredes et executores nostros, ac omnia bona nostra, ubicumque fuerint inventa, firmiter per presentes, sigillis nostris sigillatas.⁵ Date duodecimo die Maii, anno regni Regine nostre Regine Elizabethe sexto.

Per me Heinrieh Beyarr vann Danczyck.⁶

¹ E. 114/1/9. This and the following pieces are roughly executed.

² He was also bound to the Attorney and Solicitor General.

³ The Condition of the obligation (Defeasance) follows to the effect that whereas a clerical subsidy has been granted by the clergy in Parliament at a certain rate, and is to be collected and paid to the King by the Province of York, after a certain rate as formerly, and John Oliver is appointed to collect the same; if the before bounden John Oliver (his executors or assigns) shall pay the moneys so collected by him or them to the Treasurer of the King's Chamber for the time being, after the rate received, then this present obligation shall be void and of none effect, or else it shall stand in full strength and virtue.*

[Signed] *Per me Joannem Olyver*
manu propria.

⁴ Exchequer Accounts, Various (E. 101/129, 13 b). The shipment is from Emden to Hull.

⁵ The seals of the merchants are affixed and well preserved.

⁶ The signature is an autograph and is followed by the merchant's mark.

* Dr. John Oliver was the King's chaplain, a Master in Chancery and (next year) Dean of Christ Church, Oxford.

XII.

Know all men by the presents that I, John Oliver of London, elerk, am bound and firmly obligated to Brian Tuke, knight, threasurer of the Chamber of the lord King . . . in fifty pounds of lawful money of England ; to be paid to the same Bryan, etc., or to one of them, his exeutors or assigns, to the use of the lord King in the feast of S. Bartholomew the Apostle, next to come after the date of the presents. For which payment, indeed, well and faithfully to be made, I obligate myself and my exeutors by the presents sealed with my seal. Dated the 22nd day of May, in the 23rd year of the reign of the lord Henry the Eighth, by the grace of God King of England and France, Defender of the Faith and Lord of Ireland.

By me John Olyver,
With my own hand.

XIII.

Know all men by the presents that we, Henry Byarre, merehant of the Hanse, and Robert Puekeryng of Kingston-on-Hull, gentleman, are bound and firmly obligated to the most excellent lady, Queen Elizabeth, by the grace of God [*etc.*], in four hundred pounds of good and lawful money of England ; to be paid to same lady the Queen, her heirs and successors in the feast of S. John the Baptist next to come after the date of the presents ; for which payment, indeed, well and faithfully to be made, we obligate ourselves and both of us, by ourselves, for the whole and solidarily ; our heirs and executors, and all our goods, wheresoever they may be found, firmly by the presents sealed with our seals. Dated the twelfth day of May, in the sixth year of the reign of our Queen, Queen Elizabeth.

By me Heinrieh Byarre of Dantzic.

Condition and Defeasance.¹

The condycyon of this oblycacyon is sych that yf the within bounden Henry and Robert or eyther of them, theyr executor or assignees, bryng or cawse to be brought a good and lawfull certyfficatt under the [townes] seale [of] Emden in Easte Frysland, testyfyeing and delyveryng that John Frese, master of the 'Gyllyd'² Hand of Emden, and L . . . Frese, master of the 'Fleyng Harte' of Emden, dyd theyr lode and take into the sayd shippes theyr, in the town of Emden or the port of the same, theyr hole lodyngs of Danske flax, and yt was not changed [or] loded in anye partes of Holland Braband Flanders or Zeland, and that the same certyfficatt be brought unto the customers and controllers at [Hull] . . . affore the feaste of Saynt Mighyll th'archangyle next [after] the date hereof, that then this oblycacyon to be voyde and of none effect, or elles to [remayn] in his full strength, force and vertew and effect.

Certificate from Foreign Port.

Omnibus et singulis presentes literas visuris aut audituris cujuscunque status, condicionis ac cminentie fuerint: Nos consules et magistratus Æmedanæ urbis . . . notum facimus et declaramus quod, ad instanciam eorum quorum intererat, comparuerit coram nobis. . .³ Quia itaque predictam hanc navem dictis hisce mercibus in hac urbe oneratam esse nobis quoque constat. . .⁴ Quod nos in simili causa pro cujusque conditione sedulo semper promerebimur. In cujus rei fidem sigillum nostrum . . . ad causas . . . appendi fecimus,⁵ anno . . .⁶

XIV.**⁷ CUSTOMS BOND FOR COASTWISE TRADE ⁸ (1602).**

⁷ Omnibus ad quos presentes litere pervenerint, collector[es] custume et subsidii domine nostre Regine Anglie in portu ville Regis super Hull, salutem. Sciatis quod Robertus Rysley, noster magister navis vocate 'le Robert de Hull,' oneris xl dolliorum, exoneravit hic in portu predicto xxij celdra carbonum nuper in portu Novi Castri onerata, videlicet per certificationem ibidem data xj^o die Novembris ultimo elapso.

¹ Indorsed on the bond.

² Described in the certificate as 'ab aurea manu cognomentum habet' (*i.e.* 'Gilt Hand').

³ The proctor of the exporters appears and is bound by oath to the State that his client is exporting a cargo of flax to Hull as specified herein; so help him God.

⁴ A clause of commendation and safe conduct follows.

⁵ The civic seal is appended (Half Seal).

⁶ 2 June 1564.

⁷ Exchequer K.R. Customs (E. 122) 198/12. The shipment is from Emden to Hull.

⁸ As to this see N. S. B. Gras, *Early English Customs System* (Introduction), and First Report of the Royal Commission on Public Records, vol. i, pt. 3, p. 160, and pt. 2, Appx. IV.

To all and singular who shall see or hear the present letters, of whatsoever state, condition and eminence they shall be: we the consuls and magistrates of the town of Emden . . . make it known and declare that, at the instance of them whom it interested, there appeared before us . . .¹ Because therefore it is also known to us that this ship is laden with these said wares in this city . . .² which we in like case for the condition of each will also sedulously promise. In faith of which thing we have caused our seal for causes to be appended.³ . . . In the year [1564].

XIV.

To all to whom the present letters shall come, the collectors of the custom and subsidy of our lady the Queen of England in the port of the town of King's Lynn, greeting. Know that Robert Ripley, our master of the ship called the ' Robert ' of Hull of the weight of 40 tons, discharged here in the port aforesaid 22 chalders of coal lately laden in the port of Newcastle, namely by certificate there, dated the 11th day of November last past.

¹ See note 3 opposite.

² See note 4 opposite.

³ See note 5 opposite.

Testibus sigillis nostris. Datum quarto die Januarii, anno regni Regine nostre Elizabethhe, etc., xliiij^o.—1601.

Jo. Epsway

pro Custumario.

Rychard Logan
Comptroller.

R. Gilbye Sur[veyor]

[*Tag for seal*]

Noverint Universi per presentes me Robertum Ripley de Hull in comitatu Ebor' marinarius et Cristoferum Harison de . . . in eodem comitatu teneri et firmiter obligari Domine nostre Regine in viginti libris legalis monette Anglie Solvendis eidem Domine Regine heredibus vell successoribus suis. Ad quam quidemolucionem bene et fideliter faciendam obligimus nos et uttrumque nostrum, per se, pro toto et firmiter per presentes signis nostris sigillattis. Dattum undecimo die Novembris, anno Regine [nostre] Elizabethhe xliiij.

Robart Riple

[*Tag for seal*]

[*Indorsed.*]

The condition of this obligation is such that yf the within bounden Robert Ripley do deliver at Hull xxij chalders of sea coles, laden in the ship called 'the Robert of Hull,' whens the said Robert is, under God, master, and thereof do returne the dewe certificatt from the Customes there to the customer and comptroller of Newcastle upon Tyne, within six monthes next after the date within written, that then, etc.

Witness our seals. Dated the fourth day of January in the 44th year of the reign of our Queen Elizabeth, etc.—1601.

Jo. Epsway for the Customer . . .

Know all men by the presents that I, Robert Ripley of Hull in the county of Yorks, mariner, and Christopher Harison of . . . in the same county are bound and firmly obligated to our lady the Queen in twenty pounds of lawful money of England, to be paid to the same lady the Queen, her heirs or her successors. For which payment, indeed, well and faithfully to be made, we obligate ourselves and both of us, by ourselves, for the whole and firmly, by the presents sealed with our seals. Dated the eleventh day of November in the 44th year of [our] Queen Elizabeth.

ROBERT RIPLE.

XV.

¹ READ *v.* LLOYD (20 JAMES I).

² To the Right Honorable John Lord Bishop of Lincolne, Lord Keeper of the great seale of England.

The humble petition of Stephen Powell, executor of the last will and testament of Roger Powell.

Humbly sheweth :

That wheras one John Lloyd did, about 10 yeares since for a just debte become bound to the said Roger Powell in a Statute Merchant of 200*l.* and after, about 6 yeares since, became bound to one John Read, Esquier, in a Statute Staple of [400]*l.*

And where your petitioner as executor to the said Roger Powell did the last tearme serv out a writt upon his statute directed to the sheriff of the county of Radnor, retornable this tearme, whereby the said shrieffe was

¹ Petty Bag Office, Statutes Staple, Bdle. 1.

² Papers in the case, see above, p. 79, and p. 124*n.*

required to extend and deliver the possession of the lands of the said Lloyd to your petitioner ; for which purpose petitioner sent one of purpose from London into that county who delivered the said writt to the said shrief and agreed with him for his fee for the execucion thereof ; and often did attend him thereabouts. But he the said John Read being then high shrief delayed and procured an extent upon his owne statute, which is executed, as by the affidavit annexed appeareth :

That the said Read having thus extended for himself and not for your petitioner, though he served out his own writt after he had received your petitioner's, doth now endeavor to serv out a *Liberate* upon his extent and so intends to gayne the possession of the landes and goodes and tithes soe extended before he will execute your petitioner's writt.

Now for that your petitioner's extent upon a statute first in tyme ought first to be served ; and for that if the *Liberate* be obteyned before your petitioner's extent be executed, your petitioner wilbe enforced to an unnecessary and chargeable suite at Lawe ; and for that that the said shrief to preserve his owne benefite delayes the execucion of his Majesties writt contrary to the duty of his office.

May it therefore please your Lordshipp to stay the *Liberate* upon the said extent untill your petitioner's writt be executed according to Lawe, etc.

And your petitioner will ever pray, etc.

¹Lett the 3 Clearkes of the petti bag, or anie 2 of them, calling the parties before them examine the truth of this petition and the Affidavit annexed ; and if they find the same to bee true, lett the *liberate* bee staid as is desired.

J. l.c.

4^o Julii, 1622.

[Indorsed] Powell for staying of the *Liberatt*.

XVI.

A CLASSIFIED LIST OF STATUTORY AND OFFICIAL RECOGNIZANCES.

As there is no official classified list of these instruments (owing to the fact that no demand has been made by students for their production in connexion with an extensive study of the subject) the following summary list must be regarded as quite provisional. Such an attempt was however clearly desirable for the purpose of elucidating the references in the present volume. It should, of course, be supplemented by reference to the *Official Guide* and to

¹ No writ of *Supersedeas* was found with the petition, though there may be a writ and extent on behalf of Powell as well as of Read in this case ; but the file is now broken and the contents of this large bundle are unindexed and to some extent illegible. This is a holograph minute by Lord Chancellor Williams.

the select bibliography printed below.¹ The hitherto neglected aspect of the final devolution of the judicial procedure provided by the Statutes of 1283 and 1285 has been recently elucidated by Miss Sybil Campbell's valuable essay on the origin and purpose of Statutory Annuities referred to here,² while some problems connected with the judicial and administrative evolution of the procedure have been ably dealt with in several treatises or essays.³ A brief summary of legislation connected with the vicissitudes of the new procedure in 1532 for taking recognizances 'in the nature of statutes staple' is appended :

I. Archives of Statutory Recognizances.⁴

1. Remaining in local archives.⁵
2. Deposited in official archives.⁶
3. Acquired for public or private collections.⁷
4. Printed or cited in various works.⁸

II. Records of Pleadings and other Proceedings.⁹

1. Mediæval series.

(A) Tower Series—certificates of default from merchant and staple registries, 1283–1485 ; supplemented by :

- (a) Writs and Returns (Chancery).
- (b) Extents on Debts (Chancery).
- (c) Transcripts of pleadings, etc., returned by writs of *certiorari*.¹⁰
- (d) Chancery Proceedings (Early).
- (e) Judicial proceedings, *e.g.* Plea Rolls, etc.¹¹
- (f) Chancery Inrolments, *e.g.* Patent and Close Rolls.¹²

2. Post-mediæval Series.

(A) Rolls Chapel Office Series. Traverses, with writs and extents¹³ (1488–1710) ; being almost entirely confined, after 1532, to Recognizances 'in the nature of Statutes Staple.'

¹ Pp. 200–207.

² Pp. 131–132. Inrolments were made till 1813 and Abstracts till 1854.

³ See below. Bibliography, *e.g.* under the names of Holdsworth, Jenks, Tout, Plucknett.

⁴ With special reference here to instruments connected with the Statutes of 1283, 1285, and the Ordinances of 1311 and 1353. The archives of the Judaism, and some belonging to the colony of foreign merchants in England, fell into the hands of the Crown.

⁵ See Introduction, pp. xv–xvii, and Appendix, pp. 200–202.

⁶ The Recognizance Rolls and Entry Books of the Lord Chamberlain's Department (L.C. 4), as to which see above, Introduction, p. xvii, xxxiii, l, and, below, Appendix, p. 129 sq.

⁷ An unlikely but unexplored source.

⁸ Cf. Letters and Papers, Henry VIII, Vol. V, pp. 104, 176, 430, 485.

⁹ Now Chancery Files, Series G, etc.

¹⁰ Chanc. Miscellanea (formerly 'County *Placita*').

¹¹ As above, pp. 1 sq. See Table of Cases (p. 192 sq.).

¹² Ibid. and the official Calendars *passim*.

¹³ Now known as Chancery, Common Law Pleadings, Bundles 1–66.

(B) Petty Bag Office Series, 1603–1775. Of the same nature.¹ This and the preceding series being supplemented by :

(a) Exchequer T. R., Miscellaneous Book 147 (temp. Henry VIII).

(b) Chancery Crown Office, Miscellaneous Books ² (1601–1675).

3. Recognizances in the nature of ‘Annuities,’ 1777–1854.³

4. Recognizances of an administrative nature (originals or inrolments).⁴

XVII.

⁵EXTRACTS FROM ACTS OF PARLIAMENT MAKING PROVISION FOR THE OFFICIAL WRITING AND INROLMENT OF RECOGNIZANCES ‘IN THE NATURE OF STATUTES STAPLE’ (1532–1722).

23 Henry VIII. c. 6.

Whereas the present method of taking recognizances before mayors of the Staples is clearly contrary to the true meaning and intent of the former statutes, giving rise to sundry inconveniences, damages and deceits, it is hereby enacted that from 1 April 1532 the chief justices of the King’s Bench and Common Pleas or in their absence the mayor of the Staple of Westminster and the Recorder of the City of London shall have full power, etc., to take recognizances of every of the King’s subjects for the payment of debts according to the following form,⁶ and every such recognizance shall be sealed with the seal of the party recognizing, and also with the seal (of office) to be appointed, and with that of one of the above justices, etc., and subscribed with his or their names, and they shall have the custody of the (official) seal to be appointed. It is further enacted that a competent person shall be assigned by the King who (or whose deputy) shall make and write all obligations to be recognized, etc. as above, and inrol the same in two indented rolls, one to remain with the justice, etc., and the other with the writer, who must abide in the City of London to perform his duties.⁷ And he shall also certify such obligations, by request of the creditors, to the Chancery under his seal of office, in default of payment, as before this time, such fees to be paid for recording and executing recognizances as have been customary, with a scale of fees for process by *Audita Querela*, etc. : the fees payable to the justices, and clerks respectively to be 3s. 4d. for each recognizance and 20d. for certifying obligations. And after 1 April 1532 no mayor or constable of any staple shall take any recognizance (on pain of 40*l.*) saving between merchants

¹ This series, however, includes some subsidiary records.

² See below (XVIII) for specimens of these Entry Books.

³ See above, p. 125, and below, pp. 131, 132*n.*

⁴ See above, p. 81 sq., and 120 sq. For the originals and inrolments referred to, see the *Official Guide*, s.v.

⁵ The following references are, of course, not exhaustive and are only meant to elucidate a somewhat neglected subject (*cf.* below, p. 201 sq., under M. S. Giuseppi and Hilary Jenkinson).

⁶ See p. 128 sq.

⁷ To forfeit 10*l.* if absent for two days.

of the same staple. Process to be made in Wales after the course of the laws of England. This Act not to be retrospective.

¹ 33 Henry VIII. c. 39, s. 36.

All bonds to the King shall be made to him by name, in the nature of statutes staple, payable to the King and his heirs.

² 34 & 35 Henry VIII, c. 26, s. xxxix.

Landowners in Wales bound in England by Statute Staple, etc., a certificate thereof in default of payment to be made into the Chancery of England and process to be made to the sheriffs of Wales therefrom, provided such process be pursued immediately.

2 & 3 Edward VI, c. 31.

Act for maintaining the status of recognizances taken in the city of Chester.³

27 Elizabeth, c. 4, ss. v-vii.

Statutes Merchant and Staple to be inrolled by the clerks of Recognizances within 6 months according to 23 Henry VIII, c. 6, in a book to be provided, taking 8*d.* for each entry. Clerks failing to inrol statutes within 6 months or to docket the same, to forfeit 20*l.* No clerk to take more than 2*d.* for every year searched in his roll. To endure for 10 years and thence to the end of the next Parliament.

⁴ 21 James I, c. 28.

Whereas it has grown to be a great and general grievance that many lewd and base persons are used for a small reward to acknowledge 'statutes,' all who hereafter acknowledge or procure any 'statute' in the names of those not privy or consenting thereto shall be adjudged felons and suffer death without benefit of clergy.

29 Charles II, c. 3, ss. xiv-xvii.

Judgments to date only from the time of signature. The date of the recognizance to be entered in the margin of the inrolment and not bind lands, etc., save from the date of such inrolment, any other usage notwithstanding.

16 & 17 Charles II, c. 5.

An Act to prevent delays in extending statutes, judgments and recognizances.

Whereas the security by Statute Staple has become of little use through the fraud of cognizors who assign small parts of their lands to several and

¹ Cf. the methods of Edward I as seen in the *Books of Remembrance* (*Liber A* and *B*).

² Cf. *Read v. Lloyd*, above, pp. 79, 123, 124.

³ The taking of statutory recognizances in the palatine courts of Chester was regarded as a privilege, and these inrolments are preserved to 1831.

⁴ For the long continuation of this abuse see above, p. 97 sq.

unknown persons, so that execution may be delayed indefinitely by *Audita Querela* or *Toties Quoties*, it is enacted that the extent of any statute, etc., shall not be avoided or delayed by the omission of any part of the lands extendable, saving to the parties concerned their remedy; and the rights of minors and applicable to statutes for payment of moneys only. To continue for 3 years and thence to the end of the next session.

3 George I, c. 15, ss. iii, xvii.

Limitation of the Sheriff's poundage on debts, recognizances, etc., by scale.

8 George I, c. 25, ss. i-vi.

An Act for supplying some defects in the Statute of 23 Henry VIII, c. 6.

Whereas recognizances in the nature of a Statute Staple are common and beneficial securities, but in regard the same are liable to damage and loss by fire or otherwise; after 25 March 1722 the clerk of such recognizances or his deputy shall prepare and keep three parchment rolls, and shall at the time of acknowledgement ingross, instead of the heads or contents thereof, the full tenor *in hec verba*. One roll to be kept for recognizances in the King's Bench, one for the Common Pleas and one for the Court of the mayor of the Staple at Westminster and Recorder of London. The persons before whom recognizances are taken to sign the roll, besides sealing and signing the recognizance. These to be afterwards put together as a single year roll and to remain in the public office of the Clerk of Recognizances (or his deputy) in London or Middlesex. A docket to be kept for the use of searchers, showing the date of each recognizance. In case of loss, transcripts may be certified to the Chancery or Petty Bag Office which shall be effectual. A scale of fees fixed hereby. The dates of judgements signed at Westminster to extend to the Sessions of Wales and Palatine Courts.

XVIII.

SPECIMENS OF ENTRY BOOKS OF RECOGNIZANCES 'IN THE NATURE OF STATUTES STAPLE.'

(i) ¹ ENTRY BOOK OF STATUTES STAPLE [1532-1775] (EXCHEQUER).

.

Sexto die Februarii anno [regni Regis Henrici Octavi] xxj; Ricardus Rogers de Madely in comitatu Stafford', yoman, venit, etc., et recognovit se teneri Georgio Robynson, civi et mercero Londonie, in decem libris, solvendi's, etc., in festo Pentecostes proximo.

¹ Treasury of Receipt Miscellaneous Books No. 147, fo. 1. This record is an entry book (paper, 80 fos.) of debts recognized, giving the name and occupation of debtor and creditor and the amount of the debt. For its position among the records of statutory recognizances, see above, p. 126.

(i) ENTRY BOOK OF STATUTES STAPLE [1532-1775] (EXCHEQUER).

.

10 l.

On the sixth day of February in the 21st year of the reign of King Henry the Eighth, Richard Rogers of Madely in the county of Stafford, yeoman, came, etc., and recognized that he was bound to George Robynson citizen and mercer of London, in ten pounds, to be paid, etc., in the Feast of Pentecost next.

cxli

Sexto die Februarii anno xxj^o; Johannes Bleyn de Rayle in comitatu Essex', generosus, venit, etc. et recognovit se teneri Willelmo Brown, civi et mercero Londonie, in centum et quadraginta libris sterlingorum, solvendis, etc., in festo Pasche proximo.

xxli

Quinto die Februarii, anno xxj^o; Robertus Adams de Lee in comitatu Kancie, yoman; Willelmus Adams filius et heres apparens ejusdem Roberti, yoman; Johannes Hayman de Stepney in comitatu Midd', waterman, et Thomas Abbott' de Charleton in dicto comitatu Kancie, laborer, venerunt, etc., et recognoverunt se teneri Rogero Brown civi et mercero Londonie in viginti libris sterlingorum, solvendis, etc., in festo Nativitatis Sancti Johannis Baptiste proximo.

(ii) ENTRY BOOKS OF STATUTES STAPLE, 1532-1551
(LORD CHAMBERLAIN).

.

- ¹ Sherrard. Quarto die Januarii, anno regni Regis Henrici Octavi tricesimo secundo. Ricardus Sherrard de Londonia, generosus, coram Radulpho Warren, militi, et Rogero Cholmley, militi, recognovit se debere Roberto Thrower, civi et waxchandler Londonie, mille libras sterlingorum, solvendas in Festo Purificationis Beate Marie Virginis proximo sequenti. Et si, etc.

Exoneratus fuit septimo decimo die Octobris anno regni Regis Henrici octavi tricesimo tercio, per me Johannem Coke; quia vidi dictum statutum cancellatum; quod vide.

[The entries continue to be of the same type throughout this entry book, and they have not altered in character towards the close of the reign of Elizabeth. See L.C. 4/192 Entry Book for the period from 33 to 37 Elizabeth, which, however, is a book of considerably larger dimensions.]

After the abstract of the recognizance may appear a note of cancellation (as in the example quoted above); a simple note to the effect that there is an indenture of defeasance; a note of the conditions of defeasance, or a note of certification. The majority of the entries have, however, no official notes appended to them.

The number of recognizances entered for the month of January, 32 Henry VIII, is fifteen.]

¹ Public Record Office: Lord Chamberlain's Records—Entry Books of Recognizances, 32 Henry VIII-4 Edward VI (L.C. 4/187). This series extends, in date, from 24 Hen. VIII to 15 Geo. III.

140 l. On the sixth day of February in the 21st year ; John Bleyn of Rayleigh in the county of Essex, gentleman, came, etc., and recognized that he was bound to William Brown, citizen and mereer of London, in one hundred and forty pounds sterling, to be paid, etc., in the Feast of Easter next.

20 l. On the fifth day of February in the 21st year ; Robert Adams of Lee in the county of Kent, yeoman ; William Adams, son and heir apparent of the same Robert, yeoman ; John Hayman of Stepney in the county of Middlesex, waterman, and Thomas Abbott of Charlton in the said county of Kent, labourer, came, etc., and recognized that they were bound to Roger Brown, citizen and mereer of London, in twenty pounds sterling, to be paid, etc., in the Feast of the Nativity of S. John the Baptist next.

(ii) ENTRY BOOKS OF STATUTES STAPLE, 1532-1551
(LORD CHAMBERLAIN).

.
Sherrard. On the fourth day of January in the thirty-second year of the reign of King Henry the Eighth. Richard Sherrard, of London, gentleman, before Ralph Warren, knight and Roger Cholmley, knight, recognized that he owed to Robert Thrower, citizen and waxehandler of London, one thousand pounds sterling, to be paid in the Feast of the Purification of the Blessed Mary the Virgin, next following. And if, etc.

He was exonerated on the seventeenth day of October in the thirty-third year of the reign of King Henry the Eighth by me, John Coke ; because I saw the said 'statute' cancelled ; which see.

(iii) ¹ ENTRY BOOKS OF STATUTES STAPLE [1601-1675] (CHANCERY).

[Essex 26 Augusti 43 Elizabeth]

Quia Margareta Davie de Billerikey in eomitatu Essexie, quam Thomas Richard de Brokestreet infra parochiam de Southweald in eomitatu predieto, yoman, jam duxit in matrimoniam, 26 die Januarii, anno regni nostri xxxii, eoram Christophoro Bray, milite, tune capitali Justiciario ad placita, recognovit se debere Philippo Wright de Broke infra parochiam de Southweald, in eomitatu Essexie predieto, yoman, xlⁱⁱ, quas, etc., in festo Annunciationis Beate Marie Virginis quod tune esset in Anno Domini 1591, et eas ei nondum solvit, ut dieitur, tibi precipimus quod corpus prediete Margarete, si laica sit, capi et in prisona, etc., et omnes terras ipsorum Thome et Margarete, et omnia catalla ejusdem Thome in balliva tua per sacramentum, etc. In xv^a Michaelis. Teste—ij Septembris anno 43^o. DORINGTON.

in Quindena.

(iv) ENTRY BOOK OF STATUTES STAPLE (UNDER THE PROCEDURE OF 8 GEORGE I, C. 25, 1722).

² Know all men by these presents that I, John Cooke, of Rooksnest in the County of Surry, esquire, am held and firmly bound to Thomas King of the parish of Saint Paul, Covent Garden, in the County of Middlesex, silk mercer, in four thousand pounds of good and lawful money of Great Britain; to be paid to the said Thomas King or his certain attorney (shewing this writing), his heirs or executors on the Feast of the Annunciation of the blessed Virgin Mary next ensuing after the date of these presents, and if I shall fail in payment of the aforesaid debt, I will and grant that the penalty obtained and provided in the Statute of the Staple concerning the recovery of debts for merehandize bought in the same shall pass upon me, my heirs and executors. Dated the first day of February in the fifteenth year of the reign of our Sovereign Lord George the Third by the grace of God King of Great Britain, France and Ireland, Defender of the Faith and so forth, and in the year of Our Lord One Thousand Seven Hundred and Seventy Five.³

Thomas Hodges of Somerset Street, Portman Square, in the parish of Saint Marylebone in the County of Middlesex, esquire, and Sir William Desse

¹ Chancery, Crown Office Miscellaneous Books. Writs of Extent to Sheriffs. For the classification of these records, see above, pp. 125, 126.

² Public Record Office: Lord Chamberlain's Records, Recognizances (4). L.C. 4/183.

³ The official seal and seals of the parties are not affixed to this inrolment, which was made under the Act of 8 Geo. I, c. 25, whereby three separate official staple inrolments were sewn together as a year roll and filed. See above, p. 128. The other two rolls, in different hands, attached to the above, are abstracted here. John Cooke's original recognizance, together with two writs (one to extend his lands, etc., and take them into the King's hands, and the other to deliver them into Thomas King's hands) with Sheriff's returns indorsed, are contained in Chancery, Petty Bag, Proceedings on Statutes Staple, 34.

(iii) ENTRY BOOKS OF STATUTES STAPLE [1601-1675] (CHANCERY).

.
 Because Margaret Davie, of Billericay, in the county of Essex, whom Thomas Richard, of Brook Street, within the parish of South Weald in the county aforesaid, yeoman, lately led in matrimony, recognized on the 26th day of January in the 32nd year of our reign before Christopher Bray, knight, then chief justice for [Common] Pleas, that he owed to Philip Wright of Brook in the parish of South Weald, in the county of Essex aforesaid, yeoman, 40*l.* which, etc., in the Feast of the Annunciation of the Blessed Mary the Virgin which then should be in the year of Our Lord, 1591, and has not yet paid them to him, as it is said, we order thee that the body of the aforesaid Margaret, if she be a lay woman, is to be taken and in [our] prison [*etc.*]; and all the lands of them, Thomas and Margaret, and all the chattels of the same Thomas in thy bailiwick, by the oath, etc.: in the Quindisme of [S.] Michael. Witness 2 September in the 43rd year.

In the
 Quindisme.

DORINGTON.

of Grafton Street, Piccadilly, knight, jointly and severally debtors to Thomas King in the parish of Saint Paul, Covent Garden, in the said County of Middlesex, Mercer, £8000. Payable on the Feast of Saint John the Baptist next ensuing after the date of these presents. 11 March, 15 George III and 1775. (Signed) Thomas Hodges. William Desse. Mansfield.

Sir Richard Philipps of Pieton Castle in the County of Pembroke, Baronet, to William Mellish of Blyth in the County of Nottingham, esquire, £6000. Payable on the Feast of the Annunciation of the blessed Virgin Mary next ensuing after the date of these presents. 10 February, 15 George III and 1775. (Signed) Rd. Philipps. Wm. de Grey.

¹ MEMORIALS OF ANNUITIES.

(v) *Ewart v. Heaviside*, 1776.

A Memorial to be enrolled pursuant to an Act of Parliament made and passed in the seventeenth year of the Reign of King George the Third :

Of a Bond bearing date the tenth day of June one thousand seven hundred and seventy six under the Hands and Seals of Simon Goodman Ewart of Crutehed Friars in the City of London, Esquire, and Richard Brinley Sheridan of Orchard Street Portman Square in the County of Middlesex, Esquire, by which said Bond the said Simon Goodman Ewart and Richard Brinley Sheridan their heirs, executors and administrators (in consideration of seven hundred pounds paid by Richard Heaviside of Parliament Street in the City of Westminster, Esquire) are become held and firmly bound to the said Richard Heaviside in the penal Sum of One thousand four hundred pounds ; with a condition thereunder written for making void the said Bond on payment of one Annuity or yearly sum of one hundred pounds to the said Richard Heaviside his executors, administrators or assigns during the life of the said Simon Goodman Ewart and Richard Brinley Sheridan by Quarterly payments.

Also of a Warrant of Attorney dated the said tenth day of June One thousand seven hundred and seventy six, also under the hands and seals of the said Simon Goodman Ewart and Richard Brinley Sheridan, authorizing George James and Abel Jenkins, attorneys of the Court of King's Bench, to confess a Judgment against the said Simon Goodman Ewart and Richard Brinley Sheridan, at the suit of the said Richard Heaviside, on the said Bond for the said one thousand four hundred pounds, besides costs of suit, as a further security for the payment of the said annuity of one hundred pounds per annum ; which said bond and warrant of attorney is witnessed, as to the due execution thereof, by William Bray of Great Russell Street, Bloomsbury, in the County of Middlesex, Gentleman and Henry Boulton, Clerk to the said William Bray.

Inrolled at five o'Clock in the Afternoon of the fourth day of July, 1777.

¹ Close Roll 6483 (No. 31). See also Close Roll 6521 (No. 17). For an account of these curious instruments see Miss Sybil Campbell's scholarly and interesting monograph in *L.Q.R.*, Oct. 1928.

¹ MEMORIALS OF ANNUITIES.(vi) **Weston v. Carver, 1779.**

A Memorial to be Inrolled pursuant to an Act of Parliament, etc.

Of a certain Bond or Obligation bearing date the fiftenth day [of] february in the year of our Lord one thousand seven hundred & seventy nine, under the hands and seals of James Weston of Blackman Street in the Borough of Southwark in the County of Surrey, Stablekeeper & John Norgrave of the parish of St. Luke in the county of Middlesex, also Stablekeeper, whereby the said James Weston and John Norgrave did jointly and severally become bound to ffanny Carver of Hendon in the county of Middlesex, widow, in the sum of five hundred pounds of Lawful money of Great Britain, with a Condition thereunder written first Reciting that the said ffanny Carver had Sold & delivered to the said James Weston and John Norgrave a chestnut coloured horse named Pincher, in consideration of their paying, & securing to be paid to her & her assigns one Annuity or clear yearly sum of twenty pounds by equal quarterly payments for & during the natural life of her the said ffanny Carver in case the said Horse should so long live, but if he should die before her, then the said Annuity to cease & be paid only up to the time of the death of the said Horse.

The Condition of the said obligation was such that if the said James Weston & John Norgrave or either of them, their or either of their Heirs, Executors or Administrators, should pay or cause to be paid from Christmas last unto the said ffanny Carver, her Executors, Administrators, & Assigns, the said Annuity or Yearly Sum of twenty pounds of Lawful money of Great Britain, by equal Quarterly Payments at Lady day, Midsummer day, Michaelmas day, & Christmas day in every Year, for and during the natural life, & to the time of the death of the said ffanny Carver, in case the said Horse should so long live; but if he should die before her, then the said Annuity was to cease & be paid only up to the time of the death of the said horse; then the said Obligation to be void, otherwise to remain in full force.

Which said Bond is witnessed by William Berridge of the parish of St. Mary Whitechapel, in the county of Middlesex, cooper, & William Argill of the same Place & County, Gent.

Inrolled at Twelve O'Clock at noon of the Third day of March, 1779.

¹ P.R.O. Close Roll No. 6555 (No. 54). The editor is indebted to Miss Sybil Campbell for references to this and the preceding case. As to this case, Miss Campbell remarks that it differs from most of those enrolled in the same series, in that it is an annuity for the life of the buyer; see *L.Q.R.*, Oct. 1928, pp. 485-6.

(vii) ¹ EXTRACTS FROM ENTRY BOOKS OF RECOGNIZANCES IN THE COURT OF CHANCERY, DUBLIN (1639-1678).

The first entry in Vol. I of the collection (MS. Add. 19843, fo. 1): The oath that I tooke when I entered upon the execution of the Clerke of the Decrees Office, as followeth, vizt:—‘ You shall sweare by the Holy Evangelist well and truly to execute the Offices of the Clerke of the Decrees and Recognizances of His Majestic’s High Court of Chancery in Ireland according to the best of your skill and knowledge And soe helpe you God and the contents of this booke.’

A copy whereof remaines with the Clerke of the Crowne and Hanaper of this Court.

The first Statute Staple recognizance entered in these volumes is dated 16 May, 1639.

The last recognizance is entered under 3 March, 1677.

On the last page of Vol. I is the note: ‘ The 8th of October, 1672. This Booke was alphabeted by mee. J. O. Pue.’

The number of recognizances entered is considerable: Dublin 261, Drogheda 36, Cork 26, Limerick 23, Kilkenny 14, Sligo 10, Carrickfergus 8, Waterford 6, Knockfergus 3, Youghal 2, Galway 1.

The recognizances entered in the latter portion of the book were almost exclusively Dublin recognizances: in the earlier portion other towns are also fairly well represented. The entries are also unevenly distributed chronologically. There are no entries whatsoever for the years 1643 and 1644. Besides recognizances, the volume also contains entries of indentures of defeasance.

The second volume of this collection, namely MS. Add. 19844, as stated above, covers the period 1672 to 1678.

The date of the first entry is 25 August, 1673.

The date of the last entry is 27 November, 1678.

The money payment is alawys stated to be due ‘ pro lana; coriis et plumbo ab eodem emptis et receptis,’ or some similar phrase.

On fo. 12 is the note: ‘ Cancelled by order of his Grace the Lord Chancellor and High Court of Chancery,’ bearing date the 20th of February, 1676.

.

Fo. 13: Tuesday, the 20th of February, 1676. Betweene Gyles Vanbrough, Esquire, plaintiff; John, Lord Bishop of Ossory, defendant. For-

¹ British Museum MSS. Add. 19843-4. A register of Statutes Staple of different cities of Ireland kept by the clerk of the Decrees and Recognizances of the Court of Chancery in Ireland; from Feby. 1638/9 to April 1662; and from April 1673 to Nov. 1678. Latin and English. 2 vols. Paper, folio. 17 cent. Besides these records of statutory recognizances, the British Museum also acquired, in 1854, six entry books of recognizances (MSS. Add. 19837-19842) in the Court of Chancery at Dublin, dating back to Elizabeth. These archives were acquired at the sale of the books, etc., of an Irish herald, who perhaps borrowed them from the Chancery clerks. For notices of or references to the procedure for taking recognizances of debts in Ireland, see pp. liii and 202. For the reference to the British Museum MSS. the editor is indebted to Mr. Herbert Wood, and for the excerpts to Mr. H. Holloway.

asmuch as the Court was this day informed by Mr. Ludlow the Defendant's Clerk that the said defendant having formerly entred into a Statute Staple of £880 for the payment of £440 unto the plaintiff hath satisfied the said summe unto the plaintiff And therefore praying that Mr. Boate, the plaintiff's attorney, may acknowledge satisfaction of the said 'statute' on record Whereupon and forasmuch as the said Mr. Boate doth now owne in Court that he hath sufficient authority from the plaintiff soe to doc, It is ordered by his Grace the Lord Chancellor and Court that the said Mr. Boate do acknowledge satisfaction of the said 'statute' on record as is desired.

Entered.

Thomas Tilson, registrar.

[*In Schedule*] Mr. Pue. I, as attorney for Gyles Vanburgh, do hereby acknowledge satisfaction on the 'statute' above mentioned & desire you soe to enter the same on record in your office.

Yours,

GODFREY BOATE.

.

22nd February, 1676.

Fo. 19. Signatures of debtors (3).

T. K. mayor of the Staple.

Signed, sealed, acknowledged and delivered in the presence of us [5 names].

J. F. constable.

J. W. constable.

Jonathan Perry, notary public, clerk
of the Staple.

.

Fo. 25 dorse. 'Intratur in Registro Officii Stapule Limerick. 16th January, anno Domini 1673 per Danielem Hignet, clericum stapule.' [*Dan. Hignet was also a constable of the Staple of Limerick.*]

.

Fo. 28. 'Memorandum that the above bounden James Smallwood produced the above 'statute' indorsed by me which I take notice of here at the request of the said James Smallwood, this 21st day of November, 1679.'

JO. PUE.

.

Fo. 59. 'Signed, sealed and delivered in the presence of

.

Jonathan Perry, constable and clerk of the Staple.'

.

Fo. 73. The following may be regarded as a typical recognizance in which the consideration is expressed in terms of Staple commodities. The Defeasance has not been printed here as it seemed to be in the common form.

¹ **Morgan to Evans (1675).**

Noverint universi per presentes me Robertum Morgan de Cottlestown in comitatu Sligo, armigerum, venisse coram Johanne Bourne, armigero, majore Stapule civitatis Lymerick., Daniel Hignet et Johanne Hart Constabulariis ejusdem stapule et recognovisse me teneri et firmiter obligari Georgio Evans de Phylipstowne in comitatu Corke, armigero, in sex mille libris. sterlingorum bone et legalis monete de et in Anglia pro lana, coriis et plumbo, solvendis eidem Georgio aut suo certo attornato, heredibus, executoribus, administratoribus vel assignatis suis. Ad quem quidem solucionem bene et fideliter faciendam obligo me, heredes, executores et administratores meos firmiter, per presentes, necnon omnia et singula bona et catalla, terras et tenementa mea, mobilia et immobilia, viventia et mortua, presentia et futura, ubicunque fuerint inventa, in pena Statuti Stapule, secundum formam et effectum Statuti prædicti. In cujus rei fidem et testimonium, ad instanciam et requisitionem meam tam sigillum majoratus stapule predictæ quam sigillum meum presentibus sunt appensa. Datum apud Lymericum tricesimo die Julii anno regni Regis Caroli secundi Anglie, etc., vicesimo septimo, annoque Domini millesimo sexcentesimo septuagesimo quinto.

Signate, sigillate et recognite in pre-
sentia Johannis Bourne, major Stapule } Robert Morgan
civitatis Limerick.

Daniel Hignet } constabularii
John Hart } ejusdem Stapule

Intratur in officio stapule civitatis Lymerici per Danielelem Hignett, clericum Stapule.

Intratur vicesimo die Novembris anno Domini 1675.

The within defeasance was brought to me to be entered by the cognisor Robert Morgan the 15th of May, 1677.

[*The defeasance follows at full length on fo. 73b.*]

¹ Brit. Mus. MSS. Add. 19844

Know all men by these presents that I Robert Morgan of Cottlestown in the county of Sligo, esquire, came before John Bourne, esquire, mayor of the Staple of the city of Limerick, Daniel Hignet and John Hart, constables of the same Staple, and recognized that I was bound and firmly obligated to George Evans of Philipstown in the county of Cork, esquire, in six thousand pounds sterling of good and lawful money of and in England for wool, hides and lead, to be paid to the same George or his certain attorney, heirs, executors, administrators or assigns. For which payment, indeed, to be well and faithfully made, I obligate myself, my heirs, executors and administrators firmly by these presents, moreover all and singular my goods and chattels, lands and tenements, movables and immovables, live and dead, present and future, wheresoever they may be found, in the penalty of the Statute Staple, according to the form and effect of the 'statute' aforesaid. In faith and testimony of which thing, at my instance and requisition, as well the seal of the mayoralty of the Staple aforesaid as my seal are appended to these presents. Dated at Limerick, the thirtieth day of July in the twenty-seventh year of the reign of King Charles the second of England, etc., and in the year of Our Lord one thousand six hundred and seventy-five.

Signed, sealed and recognized in the
 presence of John Bourne, mayor of
 the Staple of the city of Limerick. } Robert Morgan.

Daniel Hignet } Constables of the
 John Hart } same Staple.

Entered in the Office of the Staple of the city of Limerick by Daniel Hignet, clerk of the Staple.

Entered the 20th day of November, 1675.

SUPPLEMENTARY CASES¹ CONCERNING THE LAW MERCHANT.

¹ These have been chiefly derived from the records of 'Special Assizes,' and have been included here as outside the plan of the selection originally made for Volume II of this edition of Cases concerning the Law Merchant. For their significance, see Introduction. This Supplement could have been easily extended by the inclusion of other Judicial Inquisitions which are now available through official enterprise and historical research.

1. ¹[PLACITA APUD DORSESTRIAM, DIE LUNE PROXIMA POST FESTUM SANCTI HYLLARII, ANNO REGNI REGIS EDWARDI (FILII REGIS HENRICI) QUINTO.] (1277.)

(m. 1.) Dominus rex mandavit dilectis et fidelibus suis Willelmo de Bourun, Waltero de Skydemora et Ricardo de Chyseldene, breve in hec verba :

Edwardus Dei gracia rex Anglie, Dominus Hibernie et Dux Aquitannie, dilectis et fidelibus suis Willelmo de Bourun, Waltero de Schydemor et Ricardo de Schyseldene, salutem. Monstraverunt nobis Fernardus Martyn et Petrus Garsi et socii sui, mercatores de Ispannia, [as below, p. 139].² Nos transgressionem illam, si perpetrata fuerit, transire nolentes impunitam, assignamus vos, vel duos vestrum, . . . justiciarios nostros ad inquirendum per sacramentum proborum et legalium hominum de comitatu predicto per quos rei veritas melius sciri poterit, de nominibus malefactorum predictorum qui pecuniam, bona et mercimonia ac catalla predicta ceperunt, seu partem aliquam eorundem ; et in quorum vel cujus manibus nunc existunt ; et qualiter et quo modo ; et de transgressionem illa plenius veritatem ; et ad transgressionem illam audiendam et terminandam secundum legem et consuetudinem regni nostri ; necnon ad plenam, celerem et debitam restitutionem prefatis mercatoribus de pecunia, bonis et mercimoniis ac catallis predictis, ubicumque ea infra comitatum predictum inveniri contigerit, faciendam, prout ipsi rationabiliter docere poterint coram vobis pecuniam, bona et mercimonia et catalla predicta eis sic detenta sua esse. Et ideo vobis mandamus quod ad certos dies et loca, quos vos omnes vel duo vestrum ad hoc provideritis, inquisitionem³ illam faciatis et transgressionem illam audiat et terminetis in forma predicta, facturi quod ad justiciam pertinet secundum legem et consuetudinem regni nostri : salvis nobis amerciamentis et aliis ad nos inde spectantibus. Mandavimus enim vicecomiti nostro Dorsete quod ad certos dies et loca, quos vos omnes, vel duo vestrum, eis scire facietis, venire faciat coram vobis tot et tales probos et legales homines

¹ Assize Roll, 222 (1). The heading has been reconstructed.

² The substance of the complaint recited in this writ was presumably contained in a Petition, but a closer version appears below (p. 139). This is in keeping with the law merchant

³ See below, p. 138, and cf. the procedure in the Bristol case (*Law Merchant*, Vol. II, pp. 96 sq. and 155 sq.). The defendants wished the justices to attach them first, but the inquisition served as an indictment.

1. [PLEAS AT DORCHESTER ON MONDAY NEXT AFTER THE FEAST OF S. HILARY IN THE FIFTH YEAR OF THE REIGN OF KING EDWARD, SON OF KING HENRY.] (1277.)

.

[Dorset] The lord King dispatched his writ to his beloved and faithful William de Bourun and Walter de Scudamore and Richard de Chyseldene in these words :

Edward by the grace of God king of England, Lord of Ireland and Duke of Aquitaine to his [*as above*]. Fernard Martyn and Peter Garsi and their fellows, merchants of Spain, have shown to us . . .¹ We, not willing that trespass, if it were perpetrated, to pass unpunished, assign you, or two of you . . . our justices for inquiring, by the oath of good and lawful men of the county aforesaid, by whom the truth of the matter can be better known, as to the names of the malefactors aforesaid who took the money, and merchandise and chattels aforesaid or any part of the same, and in whose hands they now are, and after what fashion, and in what manner, and the truth more fully concerning that trespass ; and to hear and determine that trespass according to the law and custom of our realm ; moreover to make full, speedy and due restitution to the before-mentioned merchants of the money, goods and merchandises and chattels aforesaid, wheresoever they may be found within the county aforesaid, as they themselves shall be able to show reasonably before you that the money, goods and merchandises and chattels aforesaid, so detained from them, are theirs. And therefore we command you that at certain days and places, which you all, or two of you, shall have provided for this purpose, you do make that inquisition and do hear and determine that trespass in the form aforesaid, effecting what pertains to justice according to the law and custom of our realm : saving to us amercements and other things pertaining to us therefrom. For we have commanded our sheriff of Dorset that at certain days and places, which you all, or two of you, shall make him to know, he is to cause to come before you so many and such good and lawful men of the county aforesaid by whom the

¹ See footnote 2 opposite.

de comitatu predicto per quos rei veritas in premissis melius sciri poterit et inquiri. In cujus rei testimonium, has literas nostras fieri fecimus patentes. Teste me ipso apud Westmonasterium, xxvj die Novembris, anno regni nostri quinto.

Quiquidem Willelmus, Walterus et Ricardus eidem vicecomiti mandaverunt quod venire faciat coram eis apud Dorsestriam, die Lune proxima post festum Sancti Hyllarii, anno regni regis ejusdem quinto xij, etc., per quos, etc. Qui quidem vicecomes coram eis venire fecit xij, etc., qui dicunt super sacramentum suum quod Nicholaus Leysmanger' [*and 29 others*¹] bona et catalla predictorum mercatorum ad valentiam duarum mille librarum ceperunt, asportaverunt, etc. Et modo veniunt predicti Nicholaus le Ysmangerus, [*and 13 others*] modo veniunt et placitaverunt ut patet extra in eodem rotulo.² Et alii non veniunt et vicecomes modo mandat quod. . .³ Ideo ipsi in misericordia. Et preceptum est vicecomiti quod distringat eos per omnes terras, etc. Et quod de exitibus, etc. Et quod habeat corpora apud Dorsestriam die Lune proxima post festum S. Margarete. Et de predictis fratre⁴ . . .

Inquisitio capta apud Dorsestriam coram Willelmo de Bourun, et Waltero de Schydemor, die Mercurii post festum Trinitatis anno supradicto, per sacramentum xij, etc.; qui dicunt per sacramentum suum quod Paulus de Abbedesbury [*and 55 others*⁵] habuerunt de bonis ad valenciam centum marcarum. Vicarius de Comb' [*and another*] habuit de bonis ad valenciam xxxs., Johannes Cotthe [*and 22 others*⁵] habuit de bonis ad valenciam. . . . Ricardus Dolleshodelpeny die Jovis proxima ante festum Sancti Martini Episcopi, anno Regis nunc quarto, simul cum predictis Nicholao et aliis, bona et catalla ipsorum mercatorum ad valenciam, etc., ceperunt [et] asportaverunt contra pacem, etc. Et quod Rogerus ballivus Mathei de Forneaus de Swere bona et catalla ipsorum mercatorum ad valenciam dimidii marci cepit [et] asportavit, etc.

Ideo preceptum est vicecomiti quod venire faciat eos apud Dorsestriam die Lune ante Festum Sancte Margarete ad respondendum similiter.

¹ As to these see Introduction, p. xxxviii. The defendants include four abbots, a prior, four monks, a parson, and various manorial servants.

² *i.e.* below, l. 18 sq. For the procedure in other local 'piracy' cases, see J. F. Baldwin, Selden Society, Vol. XXXV, pp. lxx, lxxi, 32, 33, and *Law Merchant*, Vol. II, pp. xxvii-xxxi.

³ Eight more are mainprised by a local abbot and other bail.

⁴ Two monks (named) of the Abbot of Ford, who is to bring them up at the appointed term. The rest are not found, and have no goods, therefore they are to be arrested and brought up in custody at the hearing of the case.

⁵ Including only a few of those previously indicted.

truth of the matter in the premises can be better known and inquired. In witness whereof we have caused these our letters to be made patent. Witness myself at Westminster, the 26th day of November in the fifth year of our reign.

Which William, Walter and Richard, indeed, commanded the same sheriff that he make to come before them at Dorchester on Monday next after the Feast of S. Hilary, in the fifth year of the reign of the same King, xij, etc., by whom, etc., which sheriff, indeed, made to come before them 12, etc., who say on their oath that Nicholas Leysmanger [*and 29 others*] took and carried away, etc., goods and chattels of the aforesaid merchants to the value of two thousand pounds. And now comes the aforesaid Nicholas le Ysmonger and pleaded as appears outside in the same roll.¹ And the others do not come and the sheriff now sends word that ² . . . Therefore they are in mercy. And precept is made to the sheriff that he distrain them by all their lands, etc. And that, of the issues, etc. And that he have their bodies at Dorchester on the Monday next after the Feast of S. Margaret. And as for the aforesaid brother ³ . . .

Inquisition taken at Dorchester before William de Bourun and Walter de Scudamore on Wednesday after the Feast of the Holy Trinity in the year abovesaid, by the oath of 12, etc.: who say, by their oath, that Paul of Abbotsbury [*and 55 others*] had of the goods to the value of one hundred marcs. The vicar of Coombe [*and another*] had of the goods to the value of 30s. John Cotthe [*and 22 others*] had of the goods to the value . . .⁴ Richard Dolleshodelpeny on Thursday next before the Feast of S. Martin the Bishop, in the fourth year of the now King, together with the aforesaid Nicholas and others took [*and*] carried away goods and chattels of them, the merchants, to the value, etc., against the Peace, etc. And that Roger, bailiff of Mathew de Furneaus of Swyre, took [*and*] carried away etc. goods and chattels of them, the merchants, to the value of half a marc.

Therefore precept is made to the sheriff that he make them come at Dorchester on Monday before the Feast of S. Margaret to answer likewise.

¹ See footnote 2 opposite.

³ See footnote 4 opposite.

² See footnote 3 opposite.

⁴ See footnote 5 opposite.

(m. 1d.)

Nicholaus le Ysmanger', Robertus le Brete, Willelmus de Wynterborn', Rogerus Woderove, Robertus Woderove, Abbas de Bynedone, Frater Johannes Gipel, Frater Johannes Fox, Petrus Bozel, Henricus Wac', Stephanus de Crokeweye, Osbertus Oby, et Robertus de Neutone attachiati fuerunt ad respondendum Fernando Martyn et Petro Garsi et sociis suis, mercatoribus de Hispannia, de placito quare, cum ipsi nuper in quadam navi de Ispannia, diversis bonis et mercimoniis suis ad valenciam duorum milium et quingentarum librarum carcata, versus Angliam venissent ad negociandum de eisdem; et navis illa in le Sakes de Lym, in costera maris prope terram, apud Abodesbury in comitatu Dorsete, per infortunium fracta fuisset, iidem que mercatores et alii qui tunc cum ipsis in dicta navi erant submersionis periculum sibi imminere videntes, relicta navi cum bonis et mercimoniis predictis, ad terram evasissent, ac bona predicta postmodum apud Abodesbury in comitatu [predicto] ¹ per maris inundacionem ad terram projecta essent, idem Nicholaus et alii, simul cum aliis ignotis, quasdam cistas ipsorum mercatorum ibidem inventas vi et armis fregerunt, et centum marcas grossorum Toronensorum ² et centum marcas sterlingorum et alia bona et catalla ad valenciam centum librarum, una cum bonis et mercimoniis predictis, ceperunt et asportaverunt sibi que appropriaverunt, et ea prefatis mercatoribus detinent, minus juste, in ipsorum dispendium non modicum et jacturam, ac depauperacionem manifestam, et contra pacem Regis. Et unde iidem mercatores queruntur quod predicti Nicholaus et alii, simul cum aliis ignotis, die Veneris proxima post Festum Sancti Martini Episcopi, anno regni regis nunc quarto, predictas cistas fregerunt et predictas centum marcas grossorum Toronensorum ² et centum marcas sterlingorum et alia bona sua, scilicet: centum [balas ³] de corduano, precii mille et sexcentarum librarum; triginta balas de basana, precii centum quinquaginta librarum; sexaginta bagas vivi argenti, precii ducentarum librarum; sexaginta saccos filaci, precii ducentarum quadraginta et quinque librarum; quinquaginta saccos de mader, precii quadraginta librarum; quindecim ⁴ balas commini, precii triginta librarum, mille quint[ales] de ferro, precii centum sexaginta et quindecim librarum; quindecim saccos lane de Ispannia precii viginta librarum; quinquaginta florinos aureos precii viginta librarum; item, viginta loricas, precii viginta librarum; viginta robas, precii viginta librarum; centum et octo coffras, precii viginti librarum; quindecim lecta, precii viginti librarum ceperunt et

¹ Omitted in roll.² This word seems to be miswritten in the roll.² Sic for 'Turonensium.'⁴ Sic.

Nicholas le Ysmonger, Robert le Brete, William of Winterbourne, Roger the woodreeve, Robert the woodreeve, the abbot of Bindon, brother John Gipel, brother John Fox, Peter Bozel, Henry Wake, Stephen of Crokeweye, Osbert Oby and Robert of Newton were attached to answer Férnard Martyn and Peter Garsi and their fellows, merchants of Spain, on a plea wherefore, when they themselves lately had come towards England in a certain ship of Spain laden with their divers goods and merchandises to the value of two thousand and five hundred pounds, for the purpose of trading with the same; and that ship had been wrecked by misfortune in 'le Sakes' of Lyme, on the sea-coast near the land at Abbotsbury, and the same merchants and others who then were with them in the same ship, seeing that they were in imminent danger of being drowned, abandoning their ship with the goods and merchandises aforesaid, escaped to the land, and the goods aforesaid were afterwards cast up by the tide on the land at Abbotsbury in the county aforesaid, the same Nicholas and the others, together with others unknown, with force and arms broke open certain chests of them, the merchants, found there and took and carried away and appropriated to themselves one hundred marcs sterling in great money of Tours and other goods and chattels to the value of one hundred pounds, together with the goods and merchandises aforesaid, and they detain them from the before-mentioned merchants unjustly, to their no small expense, and loss, and manifest impoverishment, and against the King's peace. And thereupon the same merchants complain that the aforesaid Nicholas and the others, together with others unknown, on Friday next after the Feast of S. Martin the Bishop, in the fourth year of the now King's reign, broke the aforesaid chests and [took and carried away, etc.] the aforesaid hundred marcs of great money of Tours, and one hundred marcs sterling and other goods of theirs, namely, one hundred bales of 'cordwain,' price one thousand and six hundred pounds; thirty bales of basil, price one hundred and fifty pounds; sixty bags of quicksilver, price two hundred pounds; sixty sacks of thread, price two hundred and forty-five pounds; fifty sacks of madder, price forty pounds; fifteen bales of cummin, price thirty pounds; one thousand quintals of iron, price one hundred and seventy-five pounds; fifteen sacks of wool of Spain, price twenty pounds; fifty gold florins, value twenty pounds. Also twenty hauberks, price twenty pounds; twenty robes, price twenty pounds; one hundred and eight coffers, price twenty pounds; fifteen beds,¹ price twenty pounds; whereby

¹ This last item possibly refers to the ship's furniture supplied by the merchants for the use of themselves and their servants (cf. *Law Merchant*, Vol. II, p. lxxxvii).

asportaverunt; unde dicunt quod deteriorati sunt et dampnum habent, ad valenciam duarum mille librarum; et inde producunt sectam, etc.

Et Nicholaus et alii veniunt et defendunt vim et injuriam, et petunt auditum commissionis et brevium per que debeant predictis mercatoribus respondere: quibus auditis et intellectis, compertum est quod predicti justiciarii breve Regis de venire faciendo predictos Nicholaum et alios coram eis die Mercurii post festum Sancte Trinitatis vicecomiti miserunt.

Et Nicholaus et alii dicunt quod quicumque inplacitatus de transgressionem debet per breve de attachiamento in curiam Regis duci. Et istud breve de venire faciendo communis legis non est; quia pars inplacitata per eum, secundum consuetudinem regni, non attachiatur, maxime cum breve illud per 'Pone per vadium et salvos plegios' incipere debeat. Unde petunt iudicium si ad istud breve contra legem communem respondere debeant. Unde dictum est eis per justiciarios quod ulterius respondeant.

2. ¹PLACITA CORAM DOMINO REGE ET CONSILIO SUO APUD . . .
DIE . . . ANNO REGNI REGIS EDWARDI, FILIUS REGIS HENRICI
[SEPTIMO].² (1279.)

.

Et predictus Griffinus venit et dicit quod non de[bet] in curia domini Regis ad querimoniam predictam hominum de Mungomery de mercato aut nundinis suis de Pola³ respondere. Dicit enim quod locus de Pola situs est in [Walescheria] et licencia est unicuique domino habenti villam in Walescheria levare mercatum et feyrriam in terra sua de qua levacione feyrrie et mercati nullus potest conqueri quod sit ad nocumentum sue feyrrie aut mercati si tantum distat a sua feyrria et mercato quantum distat villa de Pola a villa de Mongomery. Et hoc paratus est verificare secundum legem Wallie.⁴ Et dicit quod talis est lex Wallie; et cum dominus Rex Wallensibus concesserit quod debeant [deduci secund]um legem Wallie, dicit quod non per alium modum [tenetur] querimonie hominum de Mongomery respondere, etc.

Et predicti homines de Mongomery veniunt et dicunt quod predictus Griffinus per concessionem domini Henrici, patris domini Regis levavit mercatum suum et feyrriam unde habuit cartam. Et prout moris est

¹ Assize Roll 1156 (2). The first membrane seems to be missing here, but it might be possible to reconstruct the title with some degree of probability.

² This date is possibly suggested by parallel documents.

³ i.e. Welshpool.

⁴ See Introduction, p. xxi.

they say that they are the worse and have loss to the value of two thousand pounds ; and thereof they produce suit, etc.

And Nicholas and the others come and defend force and injury, and they ask for a hearing of the commission and writ, whereby they ought to answer the aforesaid merchants ; and after hearing and understanding these things, it is found that the aforesaid justices sent the King's writ for making the aforesaid Nicholas and the others to come before them on Wednesday after the Feast of the Holy Trinity.

And Nicholas and the others say that every man summoned in a plea of trespass ought to be brought to the King's court by writ of attachment. And this writ for making to come is not a process of the Common Law, because the party impleaded by it is not attached according to the custom of the realm, especially as that writ ought to begin with the words ' Put by gage and safe pledges.' Whereupon they ask for judgment, if they ought to answer that writ contrary to the Common Law. Whereupon it is said to them by the justices that they are to make further answer.

2. PLEAS BEFORE THE LORD KING AND HIS COUNCIL AT . . . ON THE . . . DAY OF . . . IN THE [SEVENTH] YEAR OF THE REIGN OF KING EDWARD, SON OF KING HENRY. (1279.)

And the aforesaid Griffin comes and says that he ought not to have to reply to the aforesaid complaint of the men of Montgomery concerning his market or fair of Pool. For he says that the place is situate in the Welshry, and every lord who has a town in the Welshry is licensed to set up a market and fair upon his land ; for the setting up of which fair and market none can complain that it be to the harm of his fair or market if it be distant only from his fair and market as far as the town of Pool is distant from the town of Montgomery. And this he is prepared to aver according to the law of Wales. And he says that this is the law of Wales ; and whereas the lord King granted to the Welsh that they ought to be dealt with according to the law of Wales, he says that he is not bound to answer the complaint of the men of Montgomery in any other manner.

And the aforesaid men of Montgomery come and say that the aforesaid Griffin, by grant of the lord Henry, father of the lord King, set up his market and fair, whereof he has a charter. And that, as is

in talibus cartis, quod dominus Rex feyrriam et mercatum sibi concessit absque nocumento feyrriarum et mercatorum vicinorum. Et tamen dicunt quod per istam cartam primo levavit feyrriam et mercatum predictum. Et fuit et est per talem concessionem in seisina feyrrie et mercati predicti. Et petunt quod hoc inquiratur, etc.

Et predictus Griffinus dicit quod talis verificacio quam homines de Montgomery pretendunt per inquisitionem tenendam non est secundum leges Wallie; propter quod ad nocumentum seu prostracionem sue feyrrie aut mercati, que sunt in Wallia, extendi non debet, desicut ut dominus Rex vult quod Wallenses de hiis que habent in Wallia secundum leges Wallie deducantur, etc.

Et predicti homines de Montgomery requisiti quantum distat villa de Pola a villa de Montgomery, ita quod per . . . ¹ cum equo et carta quolibet tempore anni, dicunt quod per iiij miliaria [quando fit iter] per pontem Baldewini, qui nunc prostratus est per guerram et violenciam Wallensium; et istum pontem [dicunt] homines de Montgomery quod parati sunt reparare.

Et predictus Griffinus, requisitus quantum debebat esse de distancia locorum feyrrie et mercati secundum legem Wallie, dicit quod sufficit, per illam legem, quod distet unus ab alio per iiij miliaria. Et dicit quod sunt plura mercata in Wallia ubi unus non distat ab alio nisi per tria milaria; et plura que non distant invicem nisi per duo milaria. Dicit etiam quod villa de la Pole distat a villa de Montgomery, eundo per pontem Baldewini, per quinque milaria. Qui pons penitus dirictus est; et per quem locus non est transitus ad carectas in multis partibus [in . . .] ¹ anni; et tunc itur per pontem de Bodynton', et per illam viam sunt septem milaria [inter] villas predictas.

Et predicti homines de Montgomery dicunt quod non est distancia inter predictas villas nisi per iiij^{or} miliaria. [Nec] sola propinquitas sufficit, ut dicunt, ad prostracionem feyrrie et mercati predicti. Dicunt eciam quod [dominus] qui tenet terras suas in capite de domino Rege extra comitatum et in Gwalescheria [non levabit] feyrriam aut mercatum absque licencia et concessione domini Regis.

Et propter rationes predictas datus est dies partibus coram domino Rege a die Pasche in unum mensem.²

Postea ³ a die Pasche in unum mensem, coram Rege et ejus consilio veniunt predicti homines de Montgomery et predictus Griffinus filius

¹ Some words in this part of the record are scarcely legible.

² There is a marginal note here, 'Respice tergum rotuli,' which shows that what appeared to be the *recto* is really the *verso* side of the membrane, and therefore that a preceding membrane is missing.

³ The record is continued on the back of the roll, though the official numbering regards this as the front.

customary in such charters, the lord King granted to him a fair and market without harm to neighbouring fairs and markets. And yet they say that he first set up the fair and the market aforesaid by this charter. And he was and is in seisin of the fair and of the market aforesaid by such grant. And they ask that it may be inquired, etc.

And the aforesaid Griffin says that such averment as the men of Montgomery claim right to by the holding of an inquisition is not according to the laws of Wales; so that it ought not to be extended to the harm or putting down of his fair or [of his] market, which are in Wales, inasmuch as the lord King wills that the Welsh have process for those things which they have in Wales according to the laws of Wales, etc.¹

And the aforesaid men of Montgomery, questioned how far the town of Pool is distant from the town of Montgomery, so that [by travelling] with a horse and cart at any time of the year, they say that it is 4 miles distant [when the journey is made] by way of Baldwin's Bridge, which is now prostrated through the war and the violence of the Welsh. And this bridge the men of Montgomery say they are ready to repair.

And the aforesaid Griffin, asked how great the distance should be between the sites of fairs and markets according to the law of Wales, says that it suffices by that law that one should be distant from the other by the space of 4 miles. And he says that there are more markets in Wales where one is distant from another only three miles; and more which are distant from one another only two miles. He says also that the town of Pool is distant from Montgomery, going by Baldwin's Bridge, five miles, which bridge is utterly [broken asunder]; and by this there is no way for passage of carts in many parts in [some seasons] of the year, and then men go by way of Buttington Bridge; and by that road there are seven miles between the towns aforesaid.

And the aforesaid men of Montgomery say that the distance between the aforesaid town is only 4 miles. Nor does proximity alone, as they say, suffice for the putting down of the fair and market aforesaid. They say also that a lord who holds his lands in chief of the lord King outside the county and in Welshry shall not set up a fair or market without the licence and grant of the lord King.

And because of the reasonings aforesaid a day is given to the parties before the lord King in one month from Easter Day.

Afterwards, one month from Easter Day, before the King and his council, come the aforesaid men of Montgomery and the aforesaid

¹ As to the local relations between England and Wales, cf. *Y Cymmrodor*, Vol. XXV, p. 5 sq. and Calendar of Chancery Rolls, Various, *passim*.

Wenhumwyn', et unanimi consensus ponunt se super patriam sub hac forma ; scilicet utinam predictus Griffinus levavit dictam feyrriam et mercatum de la Pole auctoritate sua et tempore sua, seu antecessores ipsius Griffini ipsam feyrriam et mercatum levaverunt ab antiquo, et idem Griffinus ipse, factum et seysinam continuando, ea tenuit, etc.

¹ Juratores dicunt super sacramentum suum quod feyrria et mercatum de la Pole nunquam levata fuerunt per antecessores predicti Griffini, sed per istum Griffinum et tempore suo.

Dicunt etiam quod tempore Oweni Llancylloc,² avi ipsius Griffini, et tempore Wenhumwyn', patris sui, solebant homines patrie in vigilia et festo sanctorum Leulyn et [Gwinedd] [ducere] apud la Pola pocula et cibaria ad vendendum ratione gentium ibidem causa [perigrinacionis] accedentium. Nec temporibus predictorum Owenii et Wenhumii ³ alia vendibilia ibidem ducere solebant, nec teolonium accipi quousque predictus Griffinus, suo tempore, rogatus ad instanciam Nicholai de Lodelowe et Alani Kex et aliorum burgensium de Salopesburia et de Lodelowe predictum mercatum de la Pole levavit ; eo quod burgenses de Montgomery a domino Rege impetrarunt ne predicti burgenses de Salopesburia et Lodelowe, seu aliqui alii, possint pannum scindere nec coreos recentes emere nec ferrum vendere in villa de Montgomery predicta.

Dicunt eciam quod dominus Griffinus levavit eandem feyrriam in die Sancti Johannis ante Portam Latinam, et eam teneri fecit eodem die bene per tres annos, nec per idem tempus teolonium cepit, ut per hoc acius atraheret populum ad eandem. Et postea eandem feyrriam, suo tempore, a die Sancti Johannis predicti transtulit usque in diem Ascensionis Domini ; et eam semper tenere fecit predictum diem hucusque, ad nocumentum mercati de Montgomery semper existentis eodem die. Dicunt eciam quod idem Griffinus postea per decem annos levavit eandem feyrriam suo tempore in festo Sancti Edwardi, ad nocumentum feyrrie domini Regis de Montgomery, existentis festo Omnium Sanctorum subsequenti.

Unde dicunt quod predictus Griffinus levavit predictam feyrriam et mercatum de la Pole suo tempore ad dampnum et nocumentum feyrrie et mercati domini Regis de Montgomery, xxⁱⁱ libras per annum.

Ideo consideratum est quod predicta feyrria et mercatum de la Pole prosternantur et adnullentur, et mercatum et feyrria de Monte Gomery teneantur sicut prius consueverunt.

Et predictus Griffinus in misericordia.

Mia.

¹ In another hand.

² The scribe has hesitated over this name.

³ Sic.

Griffin son of Wenumwen, and by unanimous consent they put themselves on the country in this form : namely, whether the aforesaid Griffin set up the said fair and market of Pool by his own authority and in his own time ; or whether the ancestors of him, Griffin, set up that fair and the market of old, and the same Griffin himself, by continuing the action and the seisin, held it, etc.

The jurors say upon their oath that the fair and market of Pool never were raised by the ancestors of the aforesaid Griffin, but by this Griffin himself and in his own time.

They say also that in the time of Owen Llancylloc, grandfather of him, Griffin, and in the time of Wenumwen his father, the men of the country used to bring to Pool on the Eve and Feast of the Saints Llewelyn and [Gwinyth] drink and food for sale, by reason of the people coming in there for the sake of pilgrimage. Nor in the times of the aforesaid Owen and Wenumwen were they accustomed to bring other things for sale there, nor was toll taken until the aforesaid Griffin, in his own time, asked at the instance of Nicholas of Ludlow and of Alan Kex and other burgesses of Shrewsbury and of Ludlow, set up the aforesaid market of Pool ; wherefore the burgesses of Montgomery obtained from the lord King that the aforesaid burgesses of Shrewsbury and Ludlow, or any others, should not be able to cut cloth, nor to buy raw hides nor to sell iron in the town of Montgomery aforesaid.

They say also that the lord Griffin set up the same fair on the day of S. John before the Latin Gate, and caused it to be held on the same day for three whole years, nor during that time did he take toll, in order that hereby he might attract the people more keenly to the same. And afterwards, in his own time, he transferred the same fair from the Day of S. John aforesaid to the Day of the Ascension of Our Lord. And he caused it always to keep the aforesaid day to the present time, to the harm of the market of Montgomery which was always on the same day. They say also that afterwards the same Griffin for ten years set up the same fair in his own time on the Feast of S. Edward, to the harm of the lord King's fair of Montgomery, being in the Feast of All Saints following.

Whereupon they say that the aforesaid Griffin set up the aforesaid fair and the market of Pool in his own time to the loss and harm of the lord King's fair and market of Montgomery, 20*l.* by the year.

Therefore it is awarded that the aforesaid fair and the market of Pool be put down and annulled and the market and fair of Montgomery are to be held as it was formerly accustomed.

And the aforesaid Griffin in mercy.

Mercy.

3. ¹ ASSISE JURATE ET ATINCTE CAPTE APUD NORTHANTONAM CORAM NICHOLAO DE STAPELTON' ET ELIA DE BEKYNGHAM, IN CRASTINO SANCTI MICHAELIS, DE COMITATU NORTHANTON', ANNO REGNI REGIS EDWARDI DECIMO.² (1282.)

(m. 13d.)
Norham-
tona.

Assisa venit recognitura si Johannes le Rus et Johanna uxor ejus, Willelmus de Bray et Robertus de Bedefford injuste, etc., disseisiverunt Willelmum de Grefton' de libero tenemento suo in Northantona post primam, etc. Et unde queritur quod disseisivit eum de uno mesuagio cum pertinenciis, etc.

Et predictus Johannes et Johanna uxor ejus, Willelmus de Bray et Robertus de Bedefford veniunt. Et Robertus de Bedefford dicit quod nichil clamat in predicto tenemento nec aliquam injuriam vel disseisinam ei fecit; et de hoc ponit se super assisam.

Et predictus Willelmus de Bray dicit quod ipse nullam injuriam vel disseisinam ei fecit; quia dicit quod ipse intravit in predicto tenemento per feoffamentum Johannis le Rus et Johanne uxoris ejus; et hoc petit [quod] inquiratur.

Et predicti Johannes filius Johannis et Johanna uxor ejus dicunt quod nullam injuriam vel disseisinam ei fecerunt; quia, dicunt quod in aliquo tempore feoffaverunt predictum Willelmum de Grefton de predicto mesuagio, tenendum tota vita ipsius Willelmi; reddendo inde annuatim predictis Johanni et Johanne viginti solidos, et faciendo inde servitium capitalibus dominis feodi, quantum pertinet ad predictum tenementum. Qui quidem Willelmus fuit inde in bona et pacifica seysina de predicto mesuagio per septem annos et amplius per feoffamentum predictum. Et quia predictus redditus aretro fuit cuidam Johanni le Megar et Johanni a la Porte, capitalibus dominis feodi illius, predicti Johannes et Johanna destrinxerunt in domo predicta per ostia et fenestras pro arreragiis predicti redditus; quam quidem districtionem continuaverunt per unum annum et unum diem. Et post annum elapsum accesserunt predicti capitales domini ad curiam ville de Norhantona et petierunt considerationem curie quid esset agendum de districtione illa. Que quidem curia consideravit quod predicta ostia et fenestras domus reponerent, et quod totum mesuagium illud custodirent quousque aliquis habens jus in predicto mesuagio satisfaceret eis pro predicto redditu et arreragiis. Et quod predicti Johannes et Johanna, quorum jus et hereditas predictum mesuagium fuit post mortem predicti Willelmi de Graftone, postea accesserunt ad capitales dominos et finem cum eis fecerunt pro predictis arreragiis; et

¹ Assize Roll 1257.

² 'Decimo' is repeated in the roll.

3. ASSIZES, JURIES AND ATTAINTS TAKEN AT NORTHAMPTON BEFORE NICHOLAS OF STAPLETON AND ELIAS OF BECKINGHAM ON THE MORROW OF S. MICHAEL, FOR THE COUNTY OF NORTHAMPTON, IN THE TENTH YEAR OF THE REIGN OF KING EDWARD. (1282.)

Northamp-
tonshire.

The assize comes to make recognition if John le Rus and Joan his wife, William of Bray and Robert of Bedford unjustly, etc., disseised William of Grafton of his free tenement in Northampton, after the first, etc. And whereupon he complains that they disseised him of one messuage with the appurtenances, etc.

And the aforesaid John and Joan his wife, William of Bray and Robert of Bedford come. And Robert of Bedford says that he claims nothing in the aforesaid tenement, nor has he done any injury or disseisin to him ; and of this he puts himself upon the assize.

And the aforesaid William of Bray says that he has done no injury or disseisin to him ; because he says that he himself entered into the aforesaid tenement by enfeoffment of John le Rus and Joan his wife ; and this he asks, that it be inquired of.

And the aforesaid John, son of John, and Joan his wife say that they have done him no injury or disseisin ; because they say that once upon a time they infeoffed the aforesaid William of Grafton of the aforesaid messuage ; to be held for the whole life of him, William ; rendering therefor yearly to the aforesaid John and Joan twenty shillings, and doing therefor service to the chief lords of the fee, as much as pertains to the aforesaid tenement. Which William, indeed, was thereof in good and peaceful seisin in respect of the aforesaid messuage during seven years and more by the feoffment aforesaid. And because the aforesaid rent was in arrear to a certain John le Megar and John a la Porte, the chief lords of that fee, the aforesaid John and Joan, distrained in the house aforesaid by the doors and windows for the arrears of the aforesaid rent ; which distraint, indeed, they continued during one year and one day. And after the year had elapsed the aforesaid chief lords came to the court of the town of Northampton and asked for an award of the court as to what should be done in respect of that distraint. Which court, indeed, awarded that they should replace the aforesaid doors and windows and that they should have the custody of the whole of that messuage until someone having rights in the aforesaid messuage should satisfy them for the aforesaid rent and the arrears. And that the aforesaid John and Joan, whose right and inheritance the aforesaid messuage was, after the death of the aforesaid William of Grafton, afterwards came to the chief lords and made fine with them for the aforesaid

ingressi fuerunt predictum mesuagium ex dimissione predicta, capientes domum, prout eis bene licuit, per considerationem predictam ville. Et quod nullam injuriam ei fecerunt, ponunt se super assisam. Ideo capiatur assisa.

Juratores dicunt, super sacramentum suum, quod predictus reditus aretro fuit capitalibus dominis feodi, et quod ipsi distrinxerunt in domo predicta per predicta ostia et fenestras, pro predictis arreragiis, et districtionem illam tenuerunt per predictum annum. Et post annum illum elapsam, per iudicium curie predictae et consuetudinem ville,¹ reposuerunt predicta ostia et fenestras et mesuagium illud ad opus suum retinuerunt, quousque predictus Johannes et Johanna predictam finem eis fecerunt pro predictis arreragiis. Qui quidem capitales domini predictis Johanni et Johanne predictum mesuagium dimiserunt, prout eis bene licuit, secundum consuetudinem ville.

Ideo consideratum est quod predicti Johannes, Willelmus et alii inde sine die; et predictus Willelmus nichil capiat per assisam istam, set sit in misericordia pro falso clameo.

4. ²[PLACITA CORAM RICARDO DE BOYLUN ET WILLELMO DE MIDDILTUN, APUD LENNAM DIE MERCURII PROXIMA POST FESTUM SANCTI HILLARII ANNO REGNI REGIS EDWARDI XIJ^o.]
(1284.)

(m. 1d.)
Norf.

Scilicet: Dominus Rex mandavit hic breve suum in hec verba:

Edwardus Dei gracia, etc., dilectis et fidelibus suis Ricardo de Boylund et Willelmo de Middeltun, salutem. Ex gravi querela proborum hominum intelleximus quod cum ipsi in portu de Lenna et in mari juxta eandem villam cum navibus et batellis suis sine impedimento temporibus retroactis piscare, et pisces capere, et inde pro voluntate sua in eadem villa negociare consueverunt, quidam malefactores et pacis nostre perturbatores naves et batellos ipsorum hominum ibidem nuper intrantes, piscem et alia bona ipsorum hominum, sine licencia et voluntate sua, ab eisdem navibus et batellis ceperunt et asportaverunt, et alia enormia eis intulerunt, ad dampnum ipsorum hominum ducen-
tarum librarum, et contra pacem nostram. Nos transgressionem illam transire nolentes impunitam, assignavimus vos ad inquirendum, per sacramentum proborum et legalium hominum de comitatu Norfolcie per quos rei veritas melius sciri poterit, veritatem premissorum; et ad

¹ This case seems to justify the procedure alleged in the *Northampton Customal*, ed. Taylor (cf. Bateson, *Borough Customs*, Selden Society, Vol. I, p. 305).

² Assize Roll 1551 (1).

arrears, and entered upon the aforesaid messuage, by virtue of the house aforesaid, taking the house as they were well entitled to do, by the aforesaid award of the town. And that they have done to them no injury they put themselves upon the assize. Therefore let the assize be taken.

The jurors say, upon their oath, that the aforesaid rent was in arrear to the chief lords of the fee, and that they themselves distrained in the house aforesaid by the aforesaid doors and windows for the aforesaid arrears, and that they held that distraint during the aforesaid year, and after that year had elapsed, by judgment of the court aforesaid and custom of the town, they replaced the aforesaid doors and windows and retained that messuage to their own use until the aforesaid John and Joan made fine to them for the aforesaid arrears. And those chief lords, indeed, demised the aforesaid messuage to the aforesaid John and Joan, as was well allowed to them according to the custom of the town.

Therefore it is awarded that the aforesaid John, William and the others are without a day thereof; and the aforesaid William is to take nothing by this assize, but is to be in mercy for his false claim.

4. [PLEAS BEFORE RICHARD DE BOYLUN AND WILLIAM DE MIDDLETON, AT LYNN, ON WEDNESDAY NEXT AFTER THE FEAST OF S. HILARY IN THE 12TH YEAR OF THE REIGN OF KING EDWARD.] (1284.)

Norfolk.

To wit: The lord King dispatched his writ here in these words:

Edward by the grace of God, etc., to his beloved and faithful Richard of Boyland and William of Middleton, greeting. From the grievous complaint of the good men we have understood that whereas they themselves in the port of Lynn and in the sea near by the same town have been used to fish with their ships and boats in former times without impediment and to take fish and to make trade thereof at their will in the same town, certain malefactors and perturbors of our peace, of late boarding the ships and boats of those men there, have taken and carried away fish and other goods of those men without their leave and will, and have inflicted other enormities upon them, to the loss of those men two hundred pounds and against our peace. We, not willing that trespass to pass unpunished, have appointed you to inquire the truth of the premises, by the oath of good and lawful men of the county of Norfolk, by whom the truth of the matter can best

transgressionem illam audiendam et terminandam secundum legem et consuetudinem regni nostri. Et ideo vobis mandamus quod ad certos diem et locum quos ad hoc provideritis, premissa faciatis in forma predicta ; facturi inde quod ad justiciam pertinet, secundum legem et consuetudinem regni nostri ; salvis nobis amerciamentis et aliis ad nos inde spectantibus. Mandavimus enim vicecomiti nostro comitatus predicti quod ad certos diem et locum, quos ei scire facietis, venire faciat coram vobis tot et tales probos et legales homines de comitatu predicto per quos rei veritas in premissis melius sciri poterit et inquire. In cujus rei testimonium has litteras nostras fieri fecimus patentes. Teste me ipso, apud Acton Burnel, v. die Octobris, anno regni nostri xj^o.¹

Norf.

Et preceptum fuit vicecomiti quod venire faceret hic, ad hunc diem, tot [etc., as above]. Et inquisicio inde facta per Ricardum de Swedeston' [and the other jurors] qui dicunt [etc.] quod Willelmus le Lung' de Karleton' [and eight others] ex more consueto intrare consueverunt naves et batellos quorumcumque, et pisces ac alia bona inventa, si sibi pro lucro viderint expedire, contra voluntatem illorum quorum fuerunt pro voluntate sua ceperunt, usque ad medium bonorum et catallorum inventorum, etc. Et hoc in mari juxta villam de Lenna. Dicunt eciam quod Willelmus le Lung [and another] una vice fecerunt impedimentum vendicionis Radulpho de Hennore de quatuor lesetis² allecum, ad dampnum ipsius Radulphi xls. ; et quod Radulphus Kellock intravit quandam navem in mari juxta eandem villam de Lenna et cepit de allece Andrei de Conteshul' ix^m.iiiij^c precii xxxijs. sine licencia et voluntate, etc.

Ideo preceptum est vicecomiti quod attachiat eos, etc. Et Johannes Lambard [and the others] veniunt. Et quesiti quomodo se velint de predicta transgressione acquietari ; et predicti Johannes Lamberd et omnes alii precise defendunt quod nunquam alicui fecerunt aliquam transgressionem in mari juxta villam de Lenna, nec bona sua nec catalla contra voluntatem eorum quorum fuerunt ceperunt et asportaverunt, sicut dicitur eos fecisse. Et de hoc pon[unt] se super patriam. Et juratores dicunt, super sacramentum suum, quod predicti Johannes Lamberd et alii fecerunt quamplurimas capciones in mari juxta villam de Lenna, et de allece et aliis bonis, sine voluntate eorum quorum fuerunt.

Dies datus est eis, hic, die Lune in prima septimana Quadragesime.

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¹ For the significance of this date, see Introduction, pp. xx-xxii.

² i.e. 'lastis' (see Glossary). For the disturbed condition of the East coast herring fishery from this time onwards, see Calendars of Chancery Enrolments, and Baldwin, Selden Society, Vol. XXXV.

be known ; and to hear and determine that trespass according to the law and custom of our realm. And therefore we command you that at a certain day and place, which you shall provide for this, you are to carry out the premises in the form aforesaid ; doing therein what pertains to justice according to the law and custom of our realm ; saving to us amerciements and other things pertaining to us therefrom. For we have commanded our sheriff of the county aforesaid that at a certain day and place, which you shall make known to him, he shall cause to come before you so many and such like good and lawful men of the county aforesaid by whom the truth of the matter in the premises may be the better known and inquired. In witness of which thing we have caused these our letters to be made patent. Witness myself at Acton Burnell the fifth day of October in the 11th year of our reign.

Norfolk.

And precept was made to the sheriff that he should make to come here, at this day, so many [*etc., as above*]. And inquisition was made thereof by Richard of Syderstone [*and the other jurors*] who say [*etc.*] that William le Lung of Carleton [*and eight others*] as a matter of course were accustomed to board ships and boats of all persons whosoever, and took at their will fish and other goods found (if they seemed likely to make profit by them), against the will of them whose property they were, up to a half of the goods and chattels found, etc. And this in the sea off the town of Lynn. They say also that William le Lung [*and another*] at one time made impediment to Ralph of Hennor for the sale of four lasts of herring, to the loss of him, Ralph, 40s. ; and that Ralph Kellock boarded a certain ship on the sea off the town of Lynn and took of the herring of Andrew of Cottishall 9400, price 32s., without his leave and will, etc.

Therefore precept is made to the sheriff that he is to attach them, etc. And John Lamberd [*and the others*] come. And asked how they wish to be acquitted of the aforesaid trespass, the aforesaid John Lamberd and all the others defend precisely that they never made any trespass against anyone in the sea off Lynn, nor took and carried away their goods or chattels against the will of them whose property they were, as it is said that they have done. And of this they put themselves upon the country. And the jurors say, upon their oath, that the aforesaid John Lamberd and the others made very many captures in the sea off the town of Lynn, both of herring and other goods, without the will of them whose goods they were.

A day is given to them, here, on Monday in the first week of Lent.

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5. ¹ PLACITA APUD DOKKINGE DIE ANTE FESTUM SANCTI GREGORII, CORAM RICARDO DE BOYLUND ET WILLELMO DE ROTHING', ANNO REGNI REGIS EDWARDI XIJ^{mo}. (1284.)

Norfolk'.

Scilicet: Nicholaus de Londonia alias appellavit in comitatu Johannem Catervant de roberia: quod ubi dictus Nicholaus fuit in pace domini Regis die Martis proxima post Assumpcionis Beate Marie, anno regni Regis Edwardi undecimo in villa de Hecham in quadam terra que vocatur Brinkelond, ibi venit predictus Johannes, felonice, sicut felonis, etc., et dictum Nicholaum de quodam tabardo de bluetto, precii ijs., roberavit; et idem Nicholaus levavit hutesium et clamorem et sequitur ad proximum comitatum et ad proximas villas, et paratus sequi et probare, per corpus suum, versus predictum Johannem, tanquam versus felonem. Et idem Nicholaus appellavit Radulphum de Tone-welle, quod dictis die, loco et anno roberavit ipsum de uno freno: . . .² et hoc offert, etc.

Postea mandavit dominus Rex justiciariis suis breve suum in hec verba: ³

Edwardus Dei gratia, dilectis et fidelibus suis Ricardo de Boylund et Willelmo de Roying', salutem. Cum Nicholaus de Londonia appellavit in comitatu Norfolcie Johannem Catervant [*and the others*] de roberia et pace nostra fracta: ac iidem appellati nulla querentes subterfugia, et se secundum legem et consuetudinem regni nostri purgari permittentes, nobis attente supplicaverint quod nos appellum illud cum celeritate quam fieri poterit audiri et terminari et partibus plenam et celerem Justiciam exhiberi faciamus, assignavimus vos justiciarios nostros, una cum hiis quos vobis assignaverimus, ad appellum illud audiendum et terminandum secundum legem et consuetudinem regni nostri. Et ideo vobis mandamus quod ad certos dies [*etc.*] salvis [*etc.*]. Mandavimus enim vicecomiti nostro Norfolcie quod ad diem [*etc.*] venire faciat coram vobis appellum predictum cum attachiamentis et omnibus aliis appellum illud [*tangentibus*], et tot et tales probos [*etc.*]. In cujus rei testimonium [*etc.*].

Et preceptum fuit vicecomiti quod haberet corpora Johannis [Catervant] [*and the rest*] apud Lennam, die Jovis proxima ante festum Sancti Gregorii, et quod premuniret Nicholaum de Londonia ad prosequendum appellum suum, si voluerit.

Ad quem diem predictus Nicholaus fuit essoniatus et habuit diem hic ad [hunc] diem per esson[ium] suum. Et predicti Johannes Catervant

¹ Assize Roll 1551 (1); cf. Pat. II Edw. I. m. 4d.

² Details of many other robberies follow.

³ This appeal seems to have been brought before the justices mentioned above and then referred to another special commission.

5. PLEAS AT DOCKING ON THE DAY BEFORE THE FEAST OF S. GREGORY, BEFORE RICHARD DE BOYLUND AND WILLIAM DE ROTHING, IN THE 12TH YEAR OF THE REIGN OF KING EDWARD [SON OF KING HENRY]. (1284.)

Norfolk.

To wit : Nicholas of London at another time appealed in the county court John Catervant of robbery : that where the said Nicholas was in the Peace of the lord King on Tuesday next after the Assumption of the Blessed Mary, in the eleventh year of the reign of King Edward, in the town of Heacham, in a certain land called 'Brinkelond,' there came the aforesaid John feloniously, as of a felon, etc., and robbed the said Nicholas of a certain tabard of bluet, price 2s. ; and the same Nicholas raised a 'Hue and Cry' and pursues to the next county court and to the nearest towns, and is ready to sue and prove, by his body, against the aforesaid John as against a felon. And the same Nicholas appealed Ralph of Tonewelle that in the said day and place and year he robbed him of one bit . . . and this he offers, etc.

Afterwards the lord King dispatched his writ to his justices in these words :

Edward by the grace of God to his beloved and faithful Richard of Boylund and William of Roothing, greeting. Whereas Nicholas of London appealed in the county court of Norfolk John Catervant [*and the others*] of robbery and breach of our peace : and the same appellates, seeking no subterfuges and permitting themselves to be purged according to the law and custom of our realm, have supplicated us persistently that we cause that appeal to be heard and determined with all possible celerity, and full and speedy justice to be exhibited to the parties, we have appointed you our justices, together with these whom we have assigned to you, to hear and determine that appeal according to the law and custom of our realm. And therefore we command you that at certain days [*etc.*] saving [*etc.*]. For we have commanded our sheriff of Norfolk that at the day [*etc.*] he cause to come before you the aforesaid appeal with the attachments and all other things [*touching*] that appeal, and so many and such good [*etc.*]. In witness of which thing [*etc.*].

And precept was made to the sheriff that he should have the bodies of John [Catervant] [*and the rest*] at Lynn on Thursday next before the Feast of S. Gregory, and that he should premonish Nicholas of London to prosecute his appeal, if he will.

At which day the aforesaid Nicholas was essoined and had a day here at [this] day by his essoin. And the aforesaid John Catervant and

et omnes alii offerunt se versus predictum Nicholaum. Et predictus Nicholaus solempniter vocatus non venit et fuit querens.¹ Ideo consideratum est quod predicti Johannes et alii, quo ad appellum suum, sine die et Nicholaus de Londonia et plegii sui de proseguendo in misericordia,² scilicet [*names of pledges*]. Et postea predictus Johannes et alii quesiti quomodo se velint de predicta roberia aquietari; et predictus Johannes et omnes alii in appello existentes defendunt roberiam [*etc.*] et quod non sunt culpabiles, ponunt se super patriam.

Et juratores dicunt super sacramentum suum quod predicti Johannes et omnes alii de appello quieti, etc. Et requisiti si unquam concordati fuerint³ de predicto appello, dicunt quod non. Et quesiti eciam cujus consilio et facto [predicti Johannes⁴] et alii fuerunt appellati false et maliciose, dicunt quod per quosdam Willelmum Tristram et Gilbertum de . . . chewell'. Ideo preceptum est vicecomiti quod attachiet eos, etc., et salvo, etc., donec, etc.

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6. ⁵ PLACITA CORAM DOMINO REGE APUD EXONIAM [ANNO REGNI REGIS EDWARDI, FILII REGIS HENRICI, XIV^o]. (1286.)

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Adhuc de Crastino Purificacionis, Anno xiiij^o.

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(m. 15d.)
Devon'.

Petrus episcopus Exoniensis et Philippus de Shillingford in
misericordia pro pluribus defaultis :

Idem Petrus episcopus Exoniensis et Philippus de Shillingforde, ballivus ejusdem episcopi de Crydington, attachiati fuerunt ad respondendum Willelmo de Pondecote [*and nine others*] hominibus Radulphi de Touny [*and four others*] de manerio de Suthtauton, quod est de antiquo dominico corone Regis, de placito quare (cum predicti homines, sicut et ceteri homines de aliis dominicis corone Regis per totum regnum Regis, quieti sint, et quieti esse debeant, a prestacione theolonii,⁶ ac Rex eidem episcopo et Philippo pluries mandaverit quod prefatos homines in villa ipsius episcopi apud Crydington' ad hujusmodi t[h]eolonia ipsi

¹ Cf. above, p. 146, l. 20.

² 'in misericordia' interlined.

³ i.e. whether the felony had been compounded by restoration of the goods stolen.

⁴ These and other words in brackets are only partly legible.

⁵ K.B. 27/96. This roll seems to form part of the record of a Devonshire eyre.

⁶ For the principle contested here, cf. *Law Merchant*, Vol. I, No. 1.

all the others offer themselves against the aforesaid Nicholas. And the aforesaid Nicholas solemnly called does not come and was to seek. Therefore it is awarded that the aforesaid John and the others, as to his appeal, [be] without day and Nicholas of London and his pledges of prosecuting [be] in' mercy, namely [*names of pledges*]. And afterwards the aforesaid John and the others asked how they will be acquitted of the aforesaid robbery; and the aforesaid John and all the others included in the appeal defend robbery [*etc.*] and that they are not guilty, they put themselves on the country.

And the jurors say upon their oath that the aforesaid John and all the others of that appeal are acquitted, etc. And questioned if [the parties] made agreement at any time in respect of the aforesaid appeal, they say that they did not. And questioned also by whose counsel and deed [the aforesaid John] and the others were appealed falsely and maliciously, they say that [*it was*] by a certain William Tristram [and a certain] Gilbert of [. . . chwell]. Therefore precept is made to the sheriff that he attach them, etc., and keep safely, etc., until, etc.

6. PLEAS BEFORE THE LORD KING AT EXETER [IN THE 14TH YEAR OF THE REIGN OF KING EDWARD, SON OF KING HENRY]. (1286).

Yet of the Morrow of the Purification, in the 14th Year.

Peter, bishop of Exeter, and Philip of Shillingford in
mercy for many defaults.

The same Peter, bishop of Exeter, and Philip of Shillingford, bailiff of the same bishop of Crediton, were attached to answer William of Pondecote [*and nine others*], men of Ralph of Towny [*and four others*] of the manor of South Tawton, which is of the ancient demesne of the King's crown, on a plea wherefore (when the aforesaid men, like other men of other demesnes of the King's crown throughout the whole of the King's realm, are quit, and ought to be quit, of the render of tolls; and the King has often commanded the same bishop and Philip that they should not distrain the before-mentioned men in the town of him, the bishop at Crediton, to render toll of this sort to him, the bishop) the

episcopo prestandum non distringerent), idem episcopus et Petrus, spretis mandatis Regis eis inde directis, prefatos homines ad hujusmodi theolonium ipsi Episcopo prestandum in villa ipsius de Crydington' graviter distringant, in domini Regis et mandatorum suorum contemptum manifestum et predictorum hominum nimium dispendium. Et unde dicunt quod deteriorati sunt, etc., ad valenciam, etc.

Et predictus episcopus et Philippus veniunt et defendunt vim, etc. Et bene concedunt ¹ quod predicti homines sunt quieti de t[h]eolonio de hiis que emerunt ad proprios usus suos, et de hiis que vendunt que prius non emerunt ad lucrandum super [vendicione] more mercatorum. Set dicunt quod de hiis que emerunt ad vendendum ulterius tanquam mercatores, ipse episcopus et predecessores sui exstiterunt in seysina de t[h]eolonio capiendo. Et quod de aliis non exigit t[h]eolonium, prout de hiis de quibus sunt mercatores, ponunt se super patriam. Et predicti Willelmus de Pondecote et alii similiter. Ideo veniat jurata a die Pasche in tres septimanas, ubicumque, etc.

Postea a die Pasche in tres septimanas veniunt juratores et dicunt, super sacramentum suum, quod predicti homines nuncquam fuerunt districti pro aliquo teolonio pro mercandisis ad usus proprios empti; immo pro mercandisis que emerunt et vendiderunt sicut mercatores, de quibus mercandisis toto tempore suo dederunt teolonium.

Ideo consideratum [est] quod predicti Petrus episcopus et Philippus de Shullingford inde sine die; et predicti homines nichil capient per breve suum, set sint in misericordia pro falso clamore.² Et predictus Episcopus habeat returnum vadiorum, etc.

7. ³ PLACITA CORAM LOCUM DOMINI REGIS TENENTIBUS APUD WESTMONASTERIUM IN OCTABIS SANCTE TRINITATIS ANNO REGNI REGIS EDWARDI, FILII REGIS HENRICI, SEXTO DECIMO: WYMBORNE. (1288.)

Adhuc de Tercia Septimana Sancte Trinitatis.

(m. 2.)
Lincoln.

Thomas de Hauvile in misericordia pro pluribus defaultis: perdonatur per dominum de Hengham ad instanciam Walteri de Eylesbyry.

Idem Thomas attachiatus fuit ad respondendum domino Regi de placito quo waranto clamat percipere et habere lestagium de aliis

¹ 'concedit' in roll.

² 'Misericordia' written in the margin and struck through.

³ K.B. 27/113.

same bishop and Peter, spurning the King's commands thereon directed to him, grievously distraint the aforesaid men to render toll of this sort to him, the bishop, in his town of Crediton, in manifest contempt of the lord King and of his mandates and the great expense of the aforesaid men. And thereby they say that they are the worse, etc., to the value, etc.

And the aforesaid bishop and Philip come and defend force, etc. And well they grant that the aforesaid men are quit of toll in respect of the things which they have bought for their own proper uses, and of those which they sell, which they did not buy previously to make a profit by re-selling after the manner of merchants. But they say that of those they buy to re-sell as merchants, he, the bishop, and his predecessors were in seisin for taking of toll. And that of other things he [the bishop] does not exact toll, as [he does] for the things in respect of which they are merchants; they put themselves upon the country. And the aforesaid William de Pondecote and the others likewise. Therefore let a jury come in Three Weeks from Easter Day, wheresoever, etc.

Afterwards in Three Weeks of Easter Day come the jurors and say, on their oath, that the aforesaid men never were distrained for any toll for merchandises brought to their proper uses; nay, but for merchandises which they bought and sold as merchants, in respect of which merchandises, in the whole of their time, they rendered toll.

Therefore it is awarded that the aforesaid Peter the bishop and Philip of Shillingford [go] without day thereof; and the aforesaid men shall take nothing by their writ, but be in mercy for their false claim. And the aforesaid bishop is to have return of the pledges, etc.

7. PLEAS BEFORE THE LIEUTENANTS OF THE LORD KING AT WESTMINSTER IN THE OCTAVES OF THE HOLY TRINITY IN THE SIXTEENTH YEAR OF THE REIGN OF KING EDWARD, SON OF KING HENRY—WYMBORNE. (1288.)

Yet of the Third Week of the Holy Trinity.

Lincoln.

Thomas de Hauvile in mercy for many defaults; pardoned by lord [Ralph] of Hengham at the instance of Walter of Aylesbury.

The same Thomas was attached to answer the lord King on a plea by what warrant he claims to take and have lastage of the other

rebus venalibus et marcandisis¹ vendicioni expositis apud Skyrebek' juxta villam Sancti Botulphi, Lenne, Gernemuthe² et Gypwyci ultra debitum et consuetum lestagium quod de coreis, allece, lana, molis et manumolis tantum capi debet ab antiquo, secundum legem mercatoriam, capi consuevit. Et unde Ricardus Lumb, qui sequitur pro Rege, queritur quod predictus Thomas ultra predictam custumam capit lestagium de pellibus ovium, uncto, butiro, caseo, cepo, cirpis, pellibus agnorum, pellibus leporum, pellibus fibrorum, caprorum, wlpium, putosiorum, plumbo, cineribus, pellibus, panno empto, videlicet sex ulnis ad unam robam; trosetis de draperio, assere, pellibus martrinis, pellibus catorum, baconibus, opere griseo, vino et cervisia³ empto et posito in doleo in predicta villa de Skyrebek, ad dampnum domini Regis mille librarum, etc.

Et Thomas venit et defendit vim et injuriam quando, etc. Et dicit quod non debet ei ad hoc breve respondere, quia dicit quod istud breve facit mencionem quod ipse capere debeat lestagium ut predictum est apud Lennam in comitatu Norfolcie, Gernemuttam in eodem comitatu, et Gypewycum in comitatu Suffolcie, unde petit judicium (desicut dominus Rex non tulit breve suum in comitatus ubi capere debent lestagium predictum) si debeat ei ad hoc breve respondere.

Dies datus est Ricardo Lumb de Lenne, qui sequitur pro Rege, et predicto Thome de audiendo judicio suo.

8. 'PLACITA CORAM DOMINO REGE DE TERMINO SANCTI MICHAELIS ANNO REGNI REGIS EDWARDI, FILII REGIS HENRICI, DECIMO NONO FINIENTE, INCIPIENTE VICESIMO. (1290-1291.)

Adhuc de Quindena et Tribus Septimanis Sancti Michaelis.

(m. 15d.)
Nortf.

Johannes⁵ Hamer, Helmyngus [Quillet] et Johannes le Blund, de Alemannia, attachiati fuerunt ad respondendum Thome de Haunvyle de placito quare, cum idem Thomas quandam certam consuetudinem que vocatur lestagium, ratione cujusdam serjancie custodiendi girefalcons Regis, quam de Rege tenuit in capite, percipere debeat in portu de Lenne de singulis mercandisis abinde usque partes transmarinas transeuntibus; et ipse et antecessores sui ratione serjancie predictae

¹ The reading 'de marcandisis et aliis,' etc., might be expected.

² Sic in roll.

³ Sic, but 'cervisia' may have been preferred.

⁴ K.B. 27, No. 129.

⁵ 'Johannem' in roll.

saleable things and merchandises displayed for sale at Skirbeck next the town of Boston, Lynn, Yarmouth and Ipswich, beyond the due and accustomed lastage which alone ought to be taken of old, according to the law merchant, from hides, herring, wool, mill-stones and hand-mills. And thereupon Richard Lumb, who sues for the King, complains that the aforesaid Thomas takes, beyond the aforesaid custom, lastage of the fells of sheep, grease, butter, cheese, tallow, rushes, lamb fells, skins of hares, skins of otters, goats, wolves, founarts, lead, ashes, pelts, cloth bought, namely six ells for one robe, trusses of drapery, steel, skins of martens, skins of cats, bacons, grey work, wine and beer bought and put in cask in the aforesaid town of Skirbeck, to the loss of the lord King one thousand pounds, etc.

And Thomas comes and defends force and injury, when, etc. And he says that he ought not to reply to this writ ; because he says that this writ makes mention that he is alleged to take lastage as is aforesaid at Lynn in the county of Norfolk, Yarmouth in the same county, and Ipswich in the county of Suffolk, whereupon he asks judgment (inasmuch as the lord King did not bring his writ in the counties where he [Thomas] is alleged to take the lastage aforesaid) if he ought to answer this writ.

A day is given to Richard Lumb, of Lynn, who sues for the King, and to the aforesaid Thomas for hearing his judgment.

**8. PLEAS BEFORE THE LORD KING OF THE TERM OF S. MICHAEL
IN THE NINETEENTH YEAR OF THE REIGN OF KING EDWARD,
SON OF KING HENRY, THE TWENTIETH YEAR BEGINNING.
(1290-1291.)**

Yet of the Quindisme and Three Weeks of S. Michael.

Norfolk.

John Hamer, Helmyng [Quillet] and John the Blond, of Germany, were attached to answer Thomas de Hauvile in a plea wherefore, when the same Thomas ought to receive a certain customary due, which is called 'lastage' (by reason of a certain serjeanty of keeping the King's jerfalcons, which he held of the King in chief), in the port of Lynn, from all merchandises transported thence to the parts beyond the sea ; and he himself and his ancestors by reason of the serjeanty

consuetudinem predictam ibidem semper hactenus percipere consueverunt et habere, predicti Johannes Hamer et alii centum et quadraginta naves cum hujusmodi mercandisis carcatas, absque hujusmodi consuetudine ad serjanciam predictam pertinente, eidem Thome sic debita prestanda, ab eodem portu ad partes transmarinas sine licencia et voluntate predicti Thome, vi et armis abduxerunt; et alia enormia, etc., ad dampnum ipsius Thome ducentarum librarum; et Regis et ipsius Thome exhereditacionem; et in Regis contemptum manifestum; et contra pacem, etc.

Et unde queritur quod cum predictus Thomas et antecessores sui predictum lestagium, ratione predictæ serjancie, in portu predicto de singulis mercandisis ad partes transmarinas transeuntes percipere debeant et actenus percipere consueverunt; ac idem Thomas tempore Regis nunc illud lestagium cepisset, idem Johannes et alii, in crastino Omnium Sanctorum, anno regni Regis nunc nono (et sic continuando de anno in annum usque vicesimum octavum diem Augusti anno regni ejusdem Regis decimo-octavo), centum et quadraginta naves cum mercandisis carcatas, videlicet lanis [*and other wares*] ad serjanciam predictam pertinentibus, eidem Thome prestandis, a portu predicto usque ad partes transmarinas, sine licencia et voluntate ipsius Thome, vi et armis abduxerunt: ubi idem Thomas percipere debuisset de quolibet sacco lane 1*d.* [*the tariff follows*]. Unde dicit quod deterioratus est et dampnum habet ad valenciam ducentarum librarum; et inde producit sectam, etc.

Et postea venit idem Thomas et petiit licenciam recedendi de brevi suo; et habet quia breve inepte conceptum fuit, etc.

9. ¹[PLACITA APUD LONDONIAM ²CORAM GALFRIDO DE HARTELPOL [*etc.*].³] (1310.)

(m. 2.) Edwardus, Dei Gratia Rex Anglie, Dominus Hibernie et Dux Aquitanie, vicecomitibus suis Londonie, salutem. Cum nuper in Parlamento

¹ Assize Roll 1561 (1). There is no heading to this roll, and the King's Commission to the Justices and precept to the Sheriffs are attached to the Pleadings, which are in the form of the original bills, of which a few specimens are printed here. Both are mutilated, but the Commission has been reconstructed here from the text (relating to another county) printed in the *Parliamentary Writs* from the Patent Roll. (Cf. *Statutes of the Realm*, I. 153.)

² The session of the London commissioners seems to have been held at the Guildhall. Returns for Derbyshire and other districts are included in the file of records preserved under this reference, as to which see Introduction, p. xlvii.

³ For the names of the other justices forming a *quorum*, see below.

aforesaid have hitherto always been wont to receive and have there the customary due aforesaid, the aforesaid John Hamer and others have taken away, by force and arms, from the same port to foreign parts one hundred and forty ships, laden with merchandise of this sort, without rendering to the same Thomas the custom thus due pertaining to the serjeanty aforesaid ; and other enormities, etc., to the loss of him, Thomas, two hundred pounds ; and to the disinherittance of the King and of him, Thomas ; and in manifest contempt of the King, and against the peace, etc.

And thereupon he complains that whereas the aforesaid Thomas and his ancestors ought to receive and up to now have been wont to receive the aforesaid lastage, by reason of the aforesaid serjeanty, in the port aforesaid from every sort of merchandise passing out to the parts beyond the sea ; and the same Thomas in the time of the now King had taken that lastage, the same John and others, on the Morrow of All Saints in the ninth year of the now King (and so continuously from year to year until the twenty-eighth day of August in the eighteenth year of the same King), took away one hundred and forty ships laden with merchandises, namely with wool [*and other wares*] pertaining to the serjeanty aforesaid to be rendered to the same Thomas, by force and arms, without the leave and will of him, Thomas ; where the same Thomas ought to have received in respect of every sack of wool 1*d.* (*the tariff follows*), whereby he says that he is the worse and has loss to the value of two hundred pounds ; and thereof he produces suit, etc.

And afterwards came the same Thomas and sought licence to recede from his writ ; and he has it because the writ was ineptly conceived, etc.

9. [PLEAS AT LONDON BEFORE GEOFFREY OF HARTLEPOOL [*etc.*].¹]
(1310.)

Edward, by the grace of God King of England, Lord of Ireland and Duke of Aquitaine, to his sheriffs of London, greeting. Whereas of late in our Parliament of Stamford, among other things granted by us for

¹ See footnote 3 opposite.

nostro Staundfordie, inter cetera a nobis pro utilitate populi regni nostri et emendacione status ejusdem ibidem concessa, concesserimus quod prise aliquę non fierent infra idem regnum nisi sub certa forma, ibidem per nos et nostrum Consilium ordinata, quam in singulis comitatibus ejusdem regni mandavimus publicari; ac jam intellexerimus quod diverse prise postmodum in diversis locis ejusdem regni multipliciter factę sunt tam per quosdam de ministris nostris quam non nullos alios contra formam predictam: Nos volentes super hoc remedium apponere congruum et festinum, assignavimus dilectos et fideles nostros Galfridum de Hertelpol, Gilbertum de Toutheby, Johannem de Wengrave et Johannem de Windesores et tres eorum, quos presentes esse contigerit, ad inquirendum per sacramentum proborum et legalium hominum de civitate predicta, per quos rei veritas melius sciri poterit, de omnimodis prisīs ad opus nostrum vel alterius cujuscumque infra eandem civitatem qualitercumque factis; quę, videlicet, et cujus modi factę sunt ibidem post tempus predictum, et per quos et ex quibus rebus et de quibus personis et ad opus quorum et quantum de quolibet et qualiter et quomodo; necnon de nominibus illorum, si qui fuerint, qui mercedem vel dona aliqua ab aliquibus receperint, ut eis de hujusmodi prisīs capiendis parcerent et sic alios onerarent; et ad querelas omnium et singulorum de captoribus hujusmodi prisarum conqueri volentium audiendas et imbreviandas; ac eciam ad omnes illos quos per inquisitionem illam inde culpabiles inveniri contigerit attachiandum, ita quod sint coram nobis et Consilio nostro in Parlamento nostro quod habituri sumus apud Westmonasterium in Octabis Purificacionis Beate Marie proximo futuris, ad faciendum et recipiendum quod curia nostra consideraverit in premissis. Et si forte aliqui de hujusmodi prisīs fuerint culpabiles et in civitate predicta inventi non fuerint, tunc nos et Consilium nostrum de nominibus illorum et de toto facto vestro in hac parte reddant distincte et aperte in Parlamento predicto certiores.

Et ideo vobis precipimus quod [ad certos di]es et loca quos idem Galfridus, Gillebertus, Johannes et Johannes, vel tres eorum, ad hoc providerint infra civitatem predictam, et vobis scire fecerint, venire [faciatis] tot et tales probos et legales homines de civitate predicta per quos rei veritas in premissis melius sciri poterit et inquire; et eis pareatis et intendatis ex parte nostra, prout eis scire feceritis. Et nichilominus publice proclamari faciatis in civitate predicta quod omnes qui de hujusmodi captoribus [conqueri voluerint sint coram prefatis justiciariis], vel tribus eorum, dictis diebus et locis ad querelas suas inde ibi ostendendas. Et . . .¹ Teste me ipso,

¹ The roll is mutilated and practically illegible here. It would presumably include a direction for returning the writ in this case.

the utility of the people of our realm and for amending the state of the same, we did grant that some prises should not be made within the same kingdom unless according to a certain form, there by us and our Council ordained, which we have ordered to be published in each county of the same kingdom : and now we have learnt that divers prises have since been made, on many occasions, in divers places of the same kingdom, as well by our ministers as by some others, contrary to the form aforesaid ; we, willing to apply a suitable and speedy remedy for this, have appointed our beloved and faithful Geoffrey of Hartlepool, Gilbert of Tythby, John of Wingrave and John of Windsor, and three of them who may happen to be present, to inquire by the oath of good and lawful men of the city aforesaid, by whom the truth of the matter may be better known, concerning all manner of prises in any way made to the use of us or any other whomsoever within the same city, what [prises], namely, and of what kind have been made there after the time aforesaid, and by whom, and of what things, and from what persons, and to the use of whom, and how much from each, and in what fashion and by what means ; moreover concerning the names of those, if any there have been, who have received reward or any gifts from any persons that they would spare them from the taking of such prises and so should charge others ; and to hear and set down the complaints of all and singular wishing to complain of the takers of prises of this sort ; and also to attach all those who may have been found guilty thereof by that inquisition, so that they may be before us and our Council in our Parliament which we are about to hold at Westminster in the Octaves of the Purification of the Blessed Mary next coming, to do and to receive what our court shall award in the premises. And if by chance any shall be guilty of prises of this sort and shall not have been found in the city aforesaid, then they are to certify us and our Council of the names of those and concerning all your doings in this behalf.

And therefore we order you that, at certain days and places, which the same Geoffrey, Gilbert, John and John, or three of them, shall provide for this purpose within the city aforesaid and shall make known to you, you are to make to come so many and such good and lawful men of the city aforesaid by whom the truth of the matter in the premises shall be better known and inquired ; and you are to obey and intend to them on our behalf, as you shall make known to them. And, moreover, you are to cause to be publicly proclaimed in the city aforesaid that all who shall wish to complain of ‘ takers ’ of this sort are to be before the above-named justices, or three of them, at the said days and places to show forth their complaints hereof there. And . . . ¹ Witness myself

¹ See note opposite.

apud Westmonasterium, xviiij die Decembris anno regni nostri tercio.

.

¹A les Justices nostre Seignur le Roi se plaint Roberd de la Dale de Peverwych qe William le fitz Robert de Peuerwyche, William de la Lee de memes la ville et Wauter de Elton de Peverwych atort viendrent le Lundy proschein apres la feste de la Nativite de nostre Dame, l'an du regne le roi Edward qore est, qe Dieu garde, quatre, en Peverwyche, et illoeques les bleez meisme cesti Robert, nomement aveyns, a la vaillaunces de xxs., cressauntz de lour bestez, cest assaver bufs, vachez et berbitz pristrent et defolèrent atort et as damag' meisme cesti Robert de xxs., dount il prie remédie

Plegii de prosequendo { Johannes de Alsop de Peverwych
Rogerus filius Roberti de Peverwych

[*Indorsed*] Plegii Willelmi filii Roberti de Peverwyche. [*Two men of Peverwych and the same for the other two defendants.*]

Finit'

Die Lune proxima post Octabas Sancti Martini—Wirk'.

.

²Ces sont les parçels pris de vessel de Waut' le Hanaper par le meym Johan le Esquiller : ceo est assavoir par j taille xxxv[s.].

Item pris par meismes celui Johon de dit Wauter, pur broches iijs. xd. par j taille.

Item pris par Johon de H. . . . [de dit] Wauter pur vessel despendu al Tour et entour le neef le Roi, par j taille, xiijs.

Tutes cestes choses furent pris devaunt la feste de Noel [al oes nostre] seignur le Roi, l'an de soun regne tierz.

.

³Memorandum quod Squilebek et Will de Hertinge ceperunt panem ad opus domini Regis a Johanne de Sevenok, pistore Lundonie, die Martis, videlicet, ix^o die Decembris anno iij^o. Summa, xxiijs. xd.

.

¹ Bill No. 23. . ² Bill No. 18. ³ Bill No. 4.

at Westminster, the 18th day of December, in the third year of our reign.

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¹ To the justices of our lord the King complains Robert of the Dale of Peverwich that William, son of Robert of Peverwich, William of the Lea, of the same town, and Walter of Elton of Peverwich came wrongfully, the Monday next before the Feast of the Nativity of Our Lady, in the fourth year of the reign of the late King Edward (whom God guard), in Peverwich, and there took and trampled on the growing corn of this same Robert, namely oats to the value of 20s. ; with their cattle, namely oxen, cows and sheep, wrongfully and to the loss of this same Robert of 20s., for which he prays remedy.

Pledges of prosecuting { John of Alsop of Peverwich
 { Roger, son of Robert of Peverwich.

[Indorsed] Pledges of William, son of Robert of Peverwich.

Fined.

Monday next after the Octaves of S. Martin, Wirks[worth].

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² These are the parcels of plate taken from Walter the cup-maker by the same John the Scullion ; that is to say, by 1 tally, 35s.

Also taken by the same John from the said Walter, for spits, 3s. 10d. by 1 tally.

Also taken by John de H. . . [from the said] Walter for plate supplied to the Tower and about the King's ship, by 1 tally, 13s.

All these things were taken before the Feast of Christmas [for the use of] our lord the King in the third year of his reign.

.
³ Be it remembered that Squilebek and William de Hertinge took bread for the use of the lord King from John of Sevenoaks, baker, of London, on Tuesday, namely the 9th day of December in the 3rd year. Total 23s. 10d.

¹ See note 1 opposite.

² See note 2 opposite.

³ See note 3 opposite.

10. ¹PLACITA IN CANCELLARIA DOMINI REGIS APUD WESTMONASTERIUM DIE LUNE PROXIMA POST FESTUM SANCTI MARTINI ANNO REGNI REGIS EDWARDI, TERCII A CONQUESTU ANGLIE, VICESIMO OCTAVO. (1354.)

Kancia.

Scilicet : Dominus Rex mandavit breve suum in hec verba :

Edwardus, Dei gracia Rex Anglie et Francie et Dominus Hibernie, vicecomiti Kancie, salutem. Cum per quamdam inquisitionem, de mandato nostro factam, et in Cancellaria nostra retornatam, sit compertum quod Thomas de Aldon' et Matilldis, quondam filia Stephani de Burgherssh, militis, et quondam uxor predicti Thome, fuerunt seisisi de quadam feria, singulis annis apud Elmostrode, videlicet in vigilia et in die Sancti Jacobi apostoli, infra precinctum hundredi de Stoutynges, in comitatu predicto, quod, una cum feria predicta, tenuerunt de nobis pro viginti solidis, nobis per manus vicecomitis nostri comitatus predicti qui pro tempore fuerit annuatim reddendis ; prefatis Thome et Matilldis et heredibus de corporibus ipsorum Thome et Matilldis exeuntibus, feodo simplici, rectis heredibus prefate Matilldis remanenti ; quam quidem feria predicti Thomas et Matilldis et antecessores predictae Matilldis et omnes alii domini hundredi predicti habuerunt et habere consueverunt a tempore cujus contrarii memoria non existit ; et quod eadem feria est annexa prefato hundredo de Stoutynge et fuit a toto tempore supradicto ; quodque prefatus Thomas, post mortem predictae Matilldis, in forma predicta pacifice semper habuit feriam predictam usque in festum Sancti Jacobi Apostoli ultimo preteriti, quo die Henricus de Haute protulit quamdam cartam nostram de hujusmodi feria ibidem singulis annis, per eosdem dies, sibi et heredibus suis impetuum habenda ; virtute cujus carte prefatus Henricus dictum Thomam tunc de predicta feria impedivit ; et quod predicta carta de predicta feria prefato Henrico sic facta, et feria per eandem cartam eidem Henrico de novo sic concessa, est ad nocumentum et totalem adnullacionem ferie predicti Thome in forma predicta hactenus optente, et retardacionem et diminucionem firme predictae et exheredacionem ipsius Thome manifestam ; nos ut tam pro nobis quam pro prefato Thoma in hac parte faciamus quod est justum, tibi precipimus quod scire facias prefato Henrico quod sit in Cancellaria nostra die Lune proxima post festum Sancti Martini proxima futurum, ubicumque tunc fuerit, ad ostendendum si quid pro se habeat vel dicere sciat quare predicta carta nostra,

¹ Chancery, Common Law Pleadings, File 2, No. 7/7 (see also below, pp. 172-173).

10. PLEAS IN THE CHANCERY OF THE LORD KING AT WESTMINSTER ON MONDAY NEXT AFTER THE FEAST OF S. MARTIN, IN THE TWENTY-EIGHTH YEAR OF THE REIGN OF KING EDWARD, THE THIRD AFTER THE CONQUEST OF ENGLAND. (1354.)

Kent.

To wit : The lord King dispatched his writ in these words :

Edward, by the grace of God King of England and France and Lord of Ireland, to the sheriff of Kent, greeting. Whereas by a certain inquisition made by our command and returned in our Chancery it is found that Thomas of Halden and Matilda, formerly daughter of Stephen de Burgherssh, knight and sometime wife of the aforesaid Thomas, were seised in a certain fair every year at Elmstead, namely on the Eve and on the Day of S. James the Apostle, within the precinct of the hundred of Stowting in the county aforesaid, which [precinct], together with the fair aforesaid, they held of us for twenty shillings, to be yearly paid to us by the hands of the sheriff of our county aforesaid for the time being ; to the above-named Thomas and Matilda and to the heirs, issue of the bodies of them, Thomas and Matilda, in fee simple, with remainder to the right heirs of the above-named Matilda ; which fair indeed the aforesaid Thomas and Matilda and the ancestors of the aforesaid Matilda and all other lords of the hundred aforesaid have had and were wont to have from a time of which memory does not exist to the contrary ; and that the same fair is and was annexed to the before-mentioned hundred of Stowting for the whole time above-said ; and that the before-mentioned Thomas, after the death of the aforesaid Matilda, always had the fair aforesaid peacefully in the form aforesaid until in the Feast of S. James the Apostle last past, on which day Henry of Haute proffered a certain charter of ours for a fair of this sort every year, on the same days to be had there to them and their heirs for ever ; by virtue of which charter the before-mentioned Henry then hindered the said Thomas in respect of the fair aforesaid ; and that the aforesaid charter of the aforesaid fair thus made to the before-mentioned Henry, and the fair thus newly granted to the same Henry by the same charter, is to the harm and total annulling of the fair of the aforesaid Thomas heretofore held in form aforesaid and to the retarding and diminution of the farm aforesaid and to the manifest disinherittance of him ; we, that as well for ourselves as for the before-mentioned Thomas we may do what is just in that behalf, order thee that thou do make the before-mentioned Henry to know that he is to be in our Chancery on Monday next after the Feast of S. Martin next to come, wheresoever it shall then be, to show if he hath or can say anything for himself wherefore our aforesaid charter thus made to

sibi sic de feria predicta de novo facta, minime debeat revocari et annullari; et ad faciendum ulterius et recipiendum quod curia nostra consideraverit in hac parte. Et habeas ibi nomina illorum per quos ei scire feceris et hoc breve. Teste me ipso, apud Westmonasterium, xxix. die Octobris, anno regni nostri Anglie, vicesimo octavo, regni vero nostri Francie quinto decimo.

Et prefatus vicecomes ad diem illum recognovit quod pro eo quod predictus Henricus nichil habuit in balliva sua extra libertatem archiepiscopi Cantuariensis, ubi ei scire facere potuit, fecit returnum brevis predicti Roberto Wyntonie, ballivo libertatis ejusdem archiepiscopi Cantuariensis, qui sibi sic respondit. Scire feci Henrico de Haute quod sit in Cancellaria Regis ad diem in dicto brevi contentum ad faciendum et recipiendum prout idem breve requirit, per [*two pledges named*]. Ad quem diem predictus Henricus [*by attorney*] venit et dicit quod carta predicta per quam dominus Rex sibi concessit feriam supradictam revocari non debet. Dicit, enim, quod ubi per breve predictum supponitur quod predictus Thomas seisitus fuit de quadam feria apud dictum locum de Elmestede, singulis annis, in vigilia et in die Sancti Jacobi Apostoli tenenda, usque ad diem Sancti Jacobi proximam preteritum, quo die carta predicta ibidem ostensa fuit, predictus Thomas nunquam seisitus fuit de aliqua feria ibidem ante predictum diem [*etc.*]; nec feria ibidem unquam antea habebatur. Et hoc paratus est verificare per patriam; unde petit judicium si carta sua predicta in hoc casu revocari debet.

Et predictus Thomas [*by attorney*] venit et dicit quod ante illum diem [*etc.*] quedam feria fuit apud dictum locum de Elmestede et . . .¹ quod idem Thomas de quadam feria ibidem ante dictum festum Sancti Jacobi seisitus fuit, etc. Et hoc paratus est verificare per patriam. Et predictus Henricus similiter. Et super hoc datus est dies partibus predictis coram Rege, ubicumque, etc., in Octabis Purificacionis Beate Marie, ad faciendum [*etc.*] quod justum fuerit in premissis. Et preceptum est vicecomiti quod venire faciat coram Rege ad diem predictum xxiiij^{or}, etc., qui nec, etc., ad recognoscendum super premissis plenius veritatem.

[*Indorsed*] Recordum placiti: et mittitur coram Rege.

¹ Writing effaced.

him anew of the fair aforesaid ought by no means to be revoked and annulled ; and to do further and receive what our court shall have awarded in that behalf. And you are to have there the names of those by whom thou didst make him to know and this writ. Witness myself at Westminster, the 29th day of October in the twenty-eighth year of our reign of England, but of our reign of France the fifteenth year.

And the before-mentioned sheriff recognized at that day that because the aforesaid Henry had nothing in his bailiwick outside the liberty of the archbishop of Canterbury where he could make him to know, he made the return of the writ aforesaid to Robert of Winchester, bailiff of the same liberty of the same archbishop of Canterbury, who replied to him thus : ‘ I have made Henry of Haute to know that he is to be in the Chancery of the King at the day in the said writ contained, to do and receive as the same writ requires, by [*two pledges named*].’ At which day the aforesaid Henry [*by attorney*] comes and says that the charter aforesaid by which the lord King granted the abovesaid fair to him ought not to be revoked. For he says that where by the writ aforesaid it is supposed that the aforesaid Thomas was seised of a certain fair at the said place of Elmstead to be held every year on the Eve and on the Day of S. James the Apostle until the Day of S. James last past, on which day the charter aforesaid was shown there, the aforesaid Thomas was never seised of any fair there before the aforesaid day [*etc.*], nor was a fair ever held there before. And this he is ready to aver by the country ; whereupon he asks judgment if his charter aforesaid in this case ought to be revoked.

And the aforesaid Thomas [*by attorney*] comes and says that before that day [*etc.*] there was a certain fair at the said place of Elmstead and that the same Thomas was seised of a certain fair there before the said Feast of S. James, etc. And this he is ready to aver by the country. And the aforesaid Henry likewise. And hereupon a day is given to the parties aforesaid before the King wheresoever, etc., in the Octaves of the Purification of the Blessed Mary, to do [*etc.*] what shall be just in the premises. And precept is made to the sheriff that he make to come before the King at the day aforesaid 24, etc., who neither, etc., to recognize more fully the truth upon the premises.

[*Indorsed*] The Record of the plea : and it is sent before the King.

1293 ¹ **Placita Domini Regis apud Cantuariam, Coram Johannem de Berewyk**
[and five others] justiciariis itinerantibus apud Cantuariam in comitatu
 Kancie, a die Pasche in xv. dies, anno regni Regis Edwardi, filii Regis
 Henrici, vicesimo primo———Berewyk.

Willelmus de Kyrkeby et Cristina uxor ejus summoniti fuerunt ad respondendum domino Regi de placito, 'Quo warranto clam[ant] tenere placita corone et habere liberam warennam, mercatum, feriam, theolonium, furcas, wreccum maris, et wayf in Stoutynges,' etc.

Et Willelmus et Cristina, per attornatum ipsius Cristine, veniunt. Et dicunt quod ipsi clamant habere in villa predicta visum franci-plegii et, ea ratione, emendas assise panis et cervisie fracte, liberam warennam, infangenethef et, ea ratione, furcas et wayf tantum. Et quo ad illas libertates dicunt quod ipse Willelmus invenit predictam Cristinam inde seisitam quando ipsam disposavit.

Et quo ad predictam warennam, dicunt quod dominus Johannes Rex, avus domini Regis nunc, per cartam suam Stephano Haringot, antecessorem ipsius Cristine, cujus heres ipsa est, quod ipse et heredes sui haberent imperpetuum liberam warennam per totam terram suam de Stotynges, etc. Et proferunt predictam cartam que hoc testatur. Ideo ipsi quo ad warennam illam sine die, salvo jure Regis, etc.

Et quo ad predicta visum, emendas, infangenethef, furcas et weyf, dicunt quod ipsi et antecessores ipsius Cristine a tempore quo non extat memoria habuerunt libertates illas et eis usi sunt in manerio predicto. Et de hoc ponunt se super patriam. Ideo inquiratur.

Et quo ad alias libertates, dicunt quod ipsi nichil inde clamant habere in manerio predicto. Ideo remaneant domino Regi.

Juratores dicunt super sacramentum suum quod predicti Willelmus et Cristina et antecessores predictae Cristine a tempore quo non extat memoria, habuerunt predicta visum, emendas, infangenethef, furcas, et weyf et eis usi sunt sine interrupcione. Ideo predicti Willelmus et Cristine inde sine die, salvo jure Regis, etc.

Placita Corone coram eisdem Justiciariis itinerantibus apud Cantuariam, in comitatu Kancie a die Pasche in xv. dies anno regni ejusdem Regis xxj^o. In Hundredo de Stoutynges.

Willelmus de Kyrkeby et Cristiana² uxor ejus tenent hundredum de Stoutynges ad feodi firmam de domino Rege pro xx solidis per annum, inveniendos sex homines ad 'se-warde,' cum necessè fuerit; in quo quidem hundredo iidem Willelmus et Cristiana clamant habere visum franci ple_gii, emendas assise panis et cervisie fracte, pillorii, tumberelli,

¹ Chancery, Common Law Pleadings, File 2, No. 7/6.

² Sic.

Pleas of the Lord King at Canterbury before John of [Barwick] *[and five others]* 1293
**Justices in Eyre at Canterbury in the County of Kent in 15 days from
 Easter Day in the twenty-first year of the reign of King Edward, son of
 King Henry———[Barwick].**

William of Kirkby, and Christina his wife were summoned to answer the lord King in a plea by what warrant they claim to hold pleas of the Crown and to have free warren, market, fair, toll, gallows, wreck of the sea and waif in Stowting.

And William and Christina by the attorney of her, Christina, come. And they say that they claim to have in the town aforesaid view of frankpledge, and for that reason amends of the breach of the assize of bread and ale, free warren, 'infangenthef,' and for that reason gallows and waif only. And as to those liberties, they say that he, William, found the aforesaid Christina seised thereof when he married her.

And as to the aforesaid warren, they say that the lord King John, grandfather of the now lord King, by his charter to Stephen Haringot, ancestor of her, Christina, whose heiress she is, he and his heirs had for ever free warren throughout his whole land of Stowting, etc. And they proffer the aforesaid charter which testifies this. Therefore they, as to that warren, [go] without day, saving the right of the King, etc.

And as to the aforesaid view, amends, 'infangenthef,' gallows and waif, they say that they themselves and the ancestors of her, Christina, from a time of which memory does not exist had those liberties and used them in the manor aforesaid. And of this they put themselves upon the country. Therefore let it be inquired.

And as to the other liberties, they say that they themselves claim nothing therefrom in the manor aforesaid. Therefore let him remain with the lord King.

The jurors say, on their oath, that the aforesaid William and Christina and the ancestors of her, Christina, from a time of which memory does not exist had the aforesaid view, amends, 'infangenthef,' gallows, and waif and used them without interruption. Therefore the aforesaid William and Christina are without day thereof, saving the King's right, etc.

**Pleas of the Crown before the same Justices itinerant at Canterbury in the
 County of Kent in 15 days from Easter Day in the 21st year of the reign of
 the same King. In the Hundred of Stowting.**

William of Kirkby and Christiana his wife hold the hundred of Stowting at fee farm of the lord King for 20s. by the year, finding six men for sea-ward when it shall be necessary; in which hundred, indeed, the same William and Christiana claim to have view of frankpledge, amends of the breach of the assize of bread and ale, pillory,

thew¹ et furcas, nesciunt quo warranto. Ideo preceptum est vicecomiti quod venire faciat eos, etc. Postea veniunt predicti Willelmus et Cristina,¹ uxor ejus, per attornatum ipsius Cristine et dicunt quod ipsi tenent predictum manerium cum predictis libertatibus de hereditate Willelmi Herygaud, patris predictae Cristiane cujus heres ipsa est, qui obiit seisitus de eisdem libertatibus, et petunt judicium si debeant de eisdem respondere sine brevi. Et Juratores hoc idem testantur. Ideo dictum est Johanni de Mutford, qui sequitur pro Rege, quod sequatur versus eos per breve, etc.

1354 ²Inquisicio capta apud Esshetesford, die Martis proxima post festum Sancti Luce Evangeliste, anno regni Regis Edwardi Tercii a conquestu Anglie, xxviii, regni vero sui Francie quinto decimo, coram Willelmo de Apuldrefeld, Galfrido de Rutone et Roberto Bylknapp', virtute quarundem literarum domini Regis patentium Roberto Cheyne et prefatis Willelmo, Galfrido et Roberto Byllknapp, tribus vel duobus ipsorum, factarum; per sacramentum [*of 12 jurors*]. Qui dicunt per sacramentum suum quod Thomas de Aldon' et Matilldis, quondam filia, et quondam uxor [*etc.*] fuerunt seisiti de quadam feria, singulis annis [*etc.*], videlicet in Vigilia [*etc.*], infra procinctum [*etc.*], quod una cum feria predicta tenuerunt de domino Rege pro viginti solidis eidem domino Regi per manus vicecomitis [*etc.*] reddendis; prefatis, videlicet, Thome et Matilldis et heredibus [*etc.*] feodo simplici rectis heredibus ipsius Matilldis remanente. Quam quidem feriam predicti Thomas et Matilldis et antecessores predictae Matilldis et omnes alii domini hundredi predicti habuerunt et habere consueverunt a tempore [*etc.*]. Et dicunt quod eadem feria est annexa prefato hundredo de Stoutynge et fuit a toto tempore supradicto. Et dicunt quod prefatus Thomas, post mortem predictae Matilldis in forma predicta, pacifice semper habuit feriam predictam usque in festum Sancti Jacobi Apostoli ultimo preteritum, quod ³Henricus de Haute protulit quandam cartam domini Regis de hujusmodi feria ibidem . . . virtute cujus carte prefatus Henricus dictum Thomam tunc de predicta feria impedivit. Et dicit quod predicta carta . . . est ad grave nocumentum et totalem

¹ Sic.

² Chancery, Common Law Pleadings, File 2, No. 7/4.

³ Sic; perhaps a mis-script of 'quo die' (as above).

tumbrel, 'infangenthef' and gallows, they know not by what warrant. Therefore precept is made to the sheriff that he make them to come, etc. Afterwards come the aforesaid William and Christina ¹ his wife by the attorney of her, Christina, and say that they hold the aforesaid manor, with the aforesaid liberties, of the inheritance of William Heringot, father of the aforesaid Christiana, whose heiress she is, who died seised of the same liberties, and they ask judgment if they ought to answer concerning the same without writ. And the jurors testify the same. Therefore it is said to John de Mutford, who sues for the King, that he is to sue against them by writ, etc.

Inquisition taken at Ashford, on Tuesday next after the Feast of ¹³⁵⁴ S. Luke the Evangelist, in the twenty-eighth year of King Edward, Third from the Conquest of England, but of his reign of France the fifteenth, before William of Apperfield, Geoffrey of Ruton and Robert Byllknapp', by virtue of certain letters patent of the lord King made to Robert Cheyne and the before-mentioned William Geoffrey and Robert Byllknapp', three or two of them; by the oath [of 12 jurors]. Who say by their oath that Thomas of Halden and Matilda, formerly the daughter and sometime wife [etc.], were seised of a certain fair, in every year [etc.], namely on the Eve [etc.], within the precinct [etc.], which, together with the fair aforesaid, they held of the lord King for twenty shillings to be rendered to the lord King by the hands of the sheriff [etc.]; namely to the before-mentioned Thomas and Matilda and the heirs [etc.] with remainder in fee simple to the right heirs of her, Matilda. Which fair, indeed, the aforesaid Thomas and Matilda and the ancestors of the aforesaid Matilda and all other lords of the Hundred aforesaid had and were wont to have from a time [etc.]. And they say that the same fair is annexed to the above-named Hundred of Stowting and was for the whole time aforesaid. And they say that the before-mentioned Thomas, after the death of the aforesaid Matilda, in the form aforesaid, had always had the fair aforesaid peacefully until the Feast of S. James the Apostle last past, [on which day]² Henry of Haute proffered a certain charter of the lord King of a fair of this sort there . . . by virtue of which charter the before-mentioned Henry then impeded the said Thomas in respect of the aforesaid fair. And they say that the aforesaid charter . . . is to the grievous harm

¹ See note 2 on p. 157.

² See footnote 3 opposite.

adnullacionem ferie predicti Thome, in forma predicta hactenus optente, et retardacionem et diminucionem firme predictae et exhereditacionem prefati Thome manifestam.

In cujus rei testimonium predicti juratores sigilla sua presentibus apposuerunt, die et anno suprascriptis.

Set dic[unt] quod prefatus Henricus, tanquam possessor soli ubi dicta feria sita est, clamat proficuum de puthagio¹ et clamavit ante cartam predictam; set cui de jure debeatur . . .²

11. ³[PLACITA APUD WINTONIAM CORAM JOHANNI DE STONORE JOHANNI DE SCURES ET JOHANNI DE HAMPTON' ANNO REGNI REGIS EDWARDI, TERCII A CONQUESTU DUODECIMO.] (1338.)

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Dominus Rex mandavit Johanni de Stonore [*and his fellows*] breve suum in hec verba :

⁴Edwardus [*etc.*] dilectis [*etc.*] Johanni de Stonore [*etc.*] salutem. Ex nonnullorum mercatorum Ispannie, Portugalie, Catalonie, Ducatus nostri Aquitannie et aliarum terrarum et locorum quorum domini et eorum subditi de . . .⁵ [*nostra existunt*] amicia, cum mercimoniis et bonis suis infra regnum nostrum venencium, insinuacione accepimus lacrimosa quod dicta ipsorum mercimonia et bona [*que sic*]⁵ ad dictum regnum nostrum duxerint et duci fecerint et alias duxisse voluerint, tam in portibus et terra in comitatu Suhantone quam in [*mari*] versus partes illas per quosdam subditos nostros et alios malefactores, contra voluntatem ipsorum mercatorum extraneorum et etiam vi armata, [*capta fuerunt*]⁵ et ipsis mercatoribus injuste detenta, et taliter ocupata, absque restitutione seu satisfactione eis inde facienda; et hujusmodi injurie . . .⁶ et facinora ipsis et aliis mercatoribus ad dictum regnum nostrum cum mercandis suis declinantibus, absque appositione remedii in dies inferuntur; [*et nobis supplicaverunt*] ut

¹ See opposite.

² This postscript suggests an admission that the possession of the soil was of some importance, especially as here the stereotyped claims of the Crown to a highway or of the community to a street did not arise. A word or words may have been mutilated after 'debeatur.'

³ Assize Roll 798 (4). The title has been supplied from the record that follows, and some illegible words from the Patent Roll. Cf. Pat. 12 Edw. III, m. 32d.

⁴ This writ is inserted in another hand.

⁵ Almost illegible.

⁶ Some omissions have been necessary to save space.

and total annihilation of the fair of the aforesaid Thomas, hitherto held in the form aforesaid, and to the retarding and diminution of the farm aforesaid and the manifest disinheritance of the before-mentioned Thomas.

In witness whereof the aforesaid jurors have affixed their seals to the presents, the day and year above written.

But they say that the above-mentioned Henry, as the possessor of the soil where the said fair is situate, claims the profit of 'pottage,' and has claimed it before the charter aforesaid ; but to whom it is rightly due . . .¹

11. [PLEAS AT WINCHESTER BEFORE JOHN OF STONOR, JOHN DE SCURES AND JOHN OF HAMPTON IN THE TWELFTH YEAR OF THE REIGN OF KING EDWARD, THE THIRD AFTER THE CONQUEST.] (1338.)

The lord King dispatched to John of Stonor [*and his fellows*] his writ in these words :

Edward [*etc.*], to his beloved [*etc.*] John of Stonor [*etc.*], greeting. From the tearful representation of several merchants of Spain, Portugal, Catalonia, our duchy of Aquitaine, and of other lands and places whereof the lords and their subjects [*are in amity with us*], coming within our realm with their merchandises and goods, we have learned that their said merchandises and goods, which they have thus brought, and have caused to be brought and may wish to bring at other times to our said kingdom, as well in ports and on land in the county of Southampton as on the sea towards those parts, have been taken by certain of our subjects and other malefactors, against the will of those merchants strangers, and even by armed force, and unjustly detained from them, the merchants, and thus taken possession of without restitution or satisfaction to be made to them therefor ; and injuries and crimes of this kind are daily inflicted on them and other merchants making for our said kingdom with their merchandises without a remedy being applied ; and supplicating us that we would vouchsafe to look

¹ See footnote 2 opposite.

ipsorum tam indemnitati quam securitati in hac parte prospicere dignamur. Nos considerantes dampna et pericula hujusmodi que nobis et regno nostro ex hoc poterunt evenire, et eciam utilitates, et commoda que ex accessibus dictorum mercatorum extraneorum cum mercimoniis suis infra regnum amplectimur nos et nostri, nolentesque talia nobis et ipsi regno nostro sic dampnosa absque celeris appositione remedii sub dissimulatione diucius tolerare, assignavimus vos et duos vestrum justiciarios nostros ad querelas omnium et singulorum mercatorum extraneorum terrarum et locorum predictorum, [de amicia] nostra existencium, vel attornatorum suorum in hac parte de dampnis, injuriis, gravaminibus, excessibus et transgressionibus sibi per quemcunque in mari seu in terra in comitatu predicto illatis coram vobis conqueri volencium audiendas et ad informandum vos per inquisitiones per vos vel duos vestrum capiendas [seu] aliis viis et modis quibus melius videritis expedire de premissis ; necnon de nominibus illorum qui mercimonia et bona predictorum mercatorum et singulorum eorum taliter ceperunt, occupaverunt, detinuerunt vel elongarunt ; et qualiter, et quo modo, et in quorum manibus nunc existunt ; et ad eadem bona et mercimonia in quorumcumque manibus et ubicumque, sive infra libertatem sive extra in eodem comitatu inventa fuerint, in manum nostram capienda ; et tam ad ea quam alia hujusmodi mercimonia, si que in manu sive custodia vestra sint inventa, prefatis mercatoribus de terris et locis de amicia nostra, ut prem[ittitur] existentibus, videlicet cuilibet eorum que propria bona et mercimonia sua existunt et legitime, si opus fuerit, probare poterit sua esse, restituenda et liberanda ; et ad omnes illos qui bona illa sic ceperint, si hujusmodi bona non extent, seu alios qui inde restitutionem rationabilem facere tenentur, ad competentem satisfactionem tam de mercimoniis et bonis per ipsos sic captis et detentis, quam de dampnis que idem mercatores eadem causa incurrerunt per incarcerationem corporum dictorum malefactorum et aliorum, bona illa sic capiencium et detinencium et capcionem bonorum et catallorum suorum in manum nostram quousque eisdem mercatoribus hujusmodi satisfactio facta fuerit ; ac modis aliis quibus vobis expedire videbitur, compellendo et ad malefactores et delinquentes predictos [prout] de jure faciendum fuerit, puniendo ; vocatis coram vobis, quociens opus fuerit, quos in premissis noveritis convocandis, quibuscumque libertatibus portuum, villarum aut aliorum locorum comitatum predictorum coram vobis, allegatis seu allegandis non obstantibus. Necnon ad inquirendum per sacramentum mercatorum, marinariorum et aliorum forinsecorum, dictis locis ubi mala predicta fuerint

both to their indemnity and security in this behalf. We considering the losses and perils of this sort which may proceed herefrom to us and our kingdom and also the utilities and profits which we and our subjects embrace from the access of the said merchants strangers with their merchandises into the realm, and not willing to tolerate by way of dissimulation any longer things so hurtful to this our kingdom without the application of a remedy, have appointed you and two of you our justices to hear the complaints of all and singular the merchants strangers of the lands and places aforesaid, being in amity with us, or of their attorneys in this behalf, wishing to complain concerning losses, injuries, grievances, excesses and trespasses inflicted on them by anyone soever on sea or land in the county aforesaid, and to inform yourselves by inquisitions concerning the premises to be taken by you or two of you, [or] by other ways and methods which may seem more expedient ; moreover, concerning the names of those who have thus taken, occupied, detained or removed merchandises and goods of the aforesaid merchants and any of them ; and after what fashion and in what manner, and in whose hands they now are ; and to take into our hand the same goods and merchandises in whosoever hands and wheresoever they shall be found, whether within or without a liberty in the same county ; and to restore and deliver as well those as other merchandises of this kind (if any are found in your hand or custody) to the before-mentioned merchants of the lands and places in amity with us, as is premised, namely, to each of them those which are their proper goods and merchandises and [which] can be lawfully proved (if it shall be necessary) to be theirs ; and to compel all those who may have taken those goods (if goods of that sort are not in existence), or others who are bound to make reasonable restitution thereof, to make competent satisfaction both in respect of the merchandises and goods thus taken by themselves and detained, and for the damages which the same merchants have incurred from that cause by incarceration of the bodies of the said malefactors and others so taking and detaining those goods and the taking of their goods and chattels into our hand until satisfaction of this sort shall have been given to the same merchants ; and by other methods which may seem to you expedient ; and to punish the aforesaid malefactors and delinquents [as] of right ought to be done ; calling before you as often as shall be necessary those whom you know are to be called, whatsoever liberties of ports, villates, or other places of the counties aforesaid, alleged or to be alleged, notwithstanding ; moreover to inquire by the oath of merchants, mariners, and other outsiders nearest to the said places where the wrongs aforesaid shall have been perpetrated, by

perpetrata propinquiorum, per quos rei veritas melius sciri poterit (si forte aliqui homines portuum [etc.] comitatus ejusdem coram vobis venire recusaverint, ad veritatem super premissis cognoscendam) [de] premissis omnibus et singulis plenius veritatem, et ad vos vel ad duos vestrum, si necesse fuerit, aliis modis et viis quibus melius expedire videritis inde [ple]nius informandos; et eciam ad portus sive villatas comitatus ejusdem, si dicti malefactores per ipsos manutenti fuerint, aut bona et mercimonia a prefatis mercatoribus sic capta, concealata, elongata, seu detenta existant, aut ipsi homines de portubus et villis predictis diligenciam quam poterint non apposuerunt ad malefactores predictos puniendos, et bona sic ablata illis quorum fuerint restituenda, et ad restitutionem prefatis mercatoribus de bonis et mercimoniis suis ab eis per prefatos malefactores taliter ablati, si extent, faciendam, seu ad satisfaciendum eis, si non extent, unacum dampnis que ea de causa sustinuerunt, ut est dictum: videlicet, quemlibet portum sive villatam pro illis transgressoribus qui de eodem portu sive villata fuerint per districtiones, ac alias per capcionem bonorum et catallorum suorum in manum nostram compellendo, vel hujusmodi restitutionem seu satisfactionem de eisdem bonis fieri faciendo; necnon ad injurias, gravamina, excessus et transgressiones et alia premissa, tam ad sectam nostram quam mercatorum predictorum et singulorum eorundem vel attornatorum suorum predictorum, audienda et terminanda, aliqua libertate hujusmodi non obstante.

Et ideo vobis mandamus quod ad certos dies et loca quos vos vel duo vestrum ad hoc provideritis, injurias [etc.], predicta audietis et terminetis: ac omnia alia et singula premissa faciatis et expleatis in forma predicta. Facturi inde [etc.]. Salvis nobis [etc.]; mandavimus enim vicecomiti [etc.] quod vobis [etc.] intendens sit [etc.]. Et prout per vos vel [etc.] fuerit premunitus; et eciam venire faciat coram vobis tot [etc.]. In cujus rei [etc.]. Teste [etc.] xv. die Februarii anno [etc.] duodecimo.

Pretextu cujus brevis prefati justiciarii mandaverunt vicecomiti quod venire faciat coram eis apud Wyntoniam die Martis proxima post festum Sancti Mathei Apostoli, xij, etc., tam mercatores et marinos quam alios. Ita quod, etc., ad inquirendum, etc.

whom the truth of the matter can be better known; if by chance any men of the ports [*etc.*] of the same county shall have refused to come before you to acknowledge the truth upon the premises, and to inform you or two of you by other means and ways which shall seem more expedient, if it shall be necessary, more fully of the truth as to all and singular the premises; and also compelling the ports or villates of the same county, if the said malefactors shall have been maintained by them, or the goods and merchandises so taken from the before-mentioned merchants be concealed, removed or detained, or they, the men of the ports and villates aforesaid, have not applied the best diligence they could to punish the malefactors aforesaid and to restore the goods so carried away to them to whom they belonged, and for restitution to be made to the before-mentioned merchants in respect of their goods and merchandises thus taken away from them by the before-mentioned malefactors, if they are available, or to make satisfaction to them if they are not available, together with the damages which they have sustained from that cause, as has been said: namely every port or villate for those trespassers who belonged to the same port or villate by distrains and again by the taking of their goods and chattels into our hand or by causing this sort of restitution or satisfaction to be made in respect of the same goods; moreover to hear and determine injuries, grievances, excesses, trespasses and other the premises, both at our suit as at the suit of the merchants aforesaid, and each of them, or of their attorneys aforesaid, any liberty of this sort notwithstanding.

And therefore we command you that at certain days and places which you or two of you shall have provided for this, you shall hear and determine the injuries [*etc.*] aforesaid; and shall do and fulfil all and every other the premises in the form aforesaid. To do therein [*etc.*]. Saving to us [*etc.*]. For we have commanded our sheriff [*etc.*] that to you [*etc.*] he is to be intendant [*etc.*]. And as by you or [*etc.*] he shall be premonished; and also he is to cause to come before you so many [*etc.*]. In witness whereof [*etc.*]. Witness [*etc.*] the 15th day of February in the twelfth year [*etc.*].

By pretext of which writ the aforesaid justices commanded the sheriff to make to come before them at Winchester on Tuesday next after the Feast of S. Matthew the Apostle 12, etc., as well merchants and mariners as others. So that, etc. To inquire, etc.

¹ PLACITA APUD WYNTONIAM CORAM JOHANNE DE STONORE [*and his fellows*], JUSTICIARIOS, ETC., DIE MARTIS [*as above*] ANNO REGNI . . . XII^o [*as above*].

Suthamp-
tone.

Juratores diversorum hundredorum dicunt super sacramentum suum quod die Jovis proxima post festum Sancti Bartholomei Apostoli, anno regni domini Regis [Edwardi]² undecimo, Nicholaus Heyroun de [Melebroke] magister cujusdam navis vocate la Cristoffre [*with master mariners of ships of Sandwich, Yarmouth, Bristol, and Plymouth,*] cum aliis hominibus, vi armata tres naves mercatorum de Ispannia, ferro carcatas, et aliis mercimoniis in mari juxta Insulam Vecte³ inter la Hurst et [Caltheford'] ceperunt et bona et catalla in eisdem navibus inventa in portu de la Nyweton' in Insula Vecte³ inter se participaverunt. Ita quod quilibet predictorum Nicholai [*etc.*] habuit ad partem suam de predictis bonis ad valenciam quinquaginta librarum et [quinque] solidorum: et preter hoc predictus Nicholaus habuit, ad partem suam, pannum pro velis ad valenciam duodecim librarum, et unam pipam olei pro lampadibus, precii lxs. Et dicunt quod predicta bona, sic participata ut predictum est, ducta fuerunt per predictos marinarios ad loca subscripta, videlicet: Truru [*and twenty-one other ports or towns in Cornwall, Devon, and Hampshire*].

Ideo preceptum est vicecomiti quod attachiat predictos Nicholaum [*etc.*] quod sint apud Suthamptonam die Jovis proxima ante festum Sanctarum Perpetue et Felicitatis ad respondendum tam domino Regi quam Petro Sanches et Martino de Chaudruy qui sequuntur pro se et aliis mercatoribus de Ispannia quorum predicta bona fuerunt, etc. Et similiter quod venire faciat ibidem homines villatarum de . . .⁴ ad quorum manus predicta bona devenerunt, etc.⁵

¹ This title and the sessions records follow the above writ in another hand.

² Words in brackets are only partly legible.

³ 'Vectam' in roll.

⁴ The names of seventeen ports or towns follow as above.

⁵ The record of further sessions follows.

PLEAS AT WINCHESTER BEFORE JOHN OF STONOR [*and his fellows*],
JUSTICES, ETC., ON TUESDAY [*as above*] IN THE 12TH YEAR OF THE
REIGN [*as above*].

Southamp-
ton.¹

The jurors of divers hundreds say, upon their oath, that on Thursday next after the Feast of S. Bartholomew the Apostle, in the eleventh year of the lord King [Edward],² Nicholas Heyroun of Millbrook, master of a certain ship called the Christopher [*with master mariners of Sandwich, etc.*]³, with other men, by force of arms took three ships of merchants of Spain laden with iron and other merchandises on the sea off the Isle of Wight, between 'the Hurst' and [? Shalfleet], and shared the goods and chattels found in the same ships in the port of Newtown in the Isle of Wight. So that each of the aforesaid Nicholas [*etc.*] had as his purparty of the aforesaid goods to the value of fifty pounds and five shillings. And besides this, the aforesaid Nicholas had as his purparty canvas for sails to the value of twelve pounds, and one pipe of oil for lamps, price 60s. And they say that the aforesaid goods, thus shared as is aforesaid, were taken by the mariners to the places below written, namely, Truro [*etc.*].⁴

Therefore precept is made to the sheriff that he do attach the aforesaid Nicholas [*etc.*], that they be at Southampton on Tuesday next before the Feast of SS. Perpetua and Felicity, to answer as well to the lord King as to Peter Sanches and Martin de Chaudruy who sue for themselves and other merchants of Spain whose the aforesaid goods were, etc. And likewise that he make to come there the men of the villates of . . .⁵ to whose hands the aforesaid goods have come, etc.

¹ This title covers the county of Hampshire as late as the census return of 1851.

² See footnote 2 opposite.

³ See opposite.

⁴ See opposite.

⁵ See footnote 4 opposite.

12. 'GLOUCESTR': SESSIO APUD BERKELEGH, CORAM WILLELMO DE CHELTENHAM ET SOCIIS SUIS, JUSTICIARIIS DOMINI REGIS AD INQUIRENDUM ET SUPERVIDENDUM IN COMITATU GLOUCESTRESIRE, TAM INFRA LIBERTATES QUAM EXTRA, QUOD MENSURE ET PONDERA SINT STANDARDIS REGIS CONCORDANCIA (1343),

et quicquid in hac parte inveniri contigerit, audiendum et terminandum, assignatis, etc., facta die Jovis proxima post festum Decollacionis Sancti Johannis Baptiste, anno regni Regis Edwardi Anglie Tercii a Conquestu decimo septimo et regni sui Francie quarto.

(m. 1d.) Sessio ibidem coram J. Bekyngton et sociis suis justiciariis ad
Thornebur'. supervidendum in comitatu Gloucestrie quod mesure et pondera sint standardis, etc., concordancia, die Sabati proxima ante festum Nativitatis Sancte Marie, anno regni regis Edwardi Tercii a Conquestu xvij°.

Puderyng- Decennarii, Robertus Batyn, Willelmus le Zougge, Thomas Legatt,
ton'. Johannes [Lenge] et Edwardus le . . . presentant quod :

F[alsus].² Willelmus Corbet, dominus ville, habet j busellum majus standardi.
Philippus Allat habet j busellum, galonem, peccum, quart[erium].
Thomas [Trimody] habet j busellum majus standardi, ideo, etc.
Rogerus Amyot habet j busellum majus standardi, ideo, etc.
Willelmus Massy habet j busellum non concordantem, ideo, etc.
Johannes Walkot habet j busellum.
Thomas le Smyth habet j busellum.
Willelmus le Zougge habet j busellum majus standardi.
Johannes Davy habet dimidium busellum de stramine, [ideo] comburatur.

Edwardus le Mulleward' habet j busellum, peccum et dis[cum].³

Thomas Batyn habet j busellum. Concordat, ideo allocetur.⁴

Walterus le Taylour habet j virgam.

Philippus le Longe	} Jurati ad afferandum omnes mensuras et	
Walterus [de] Fisshe-		
pull'		
	} pondera hundredi de Thornbury, quod sint	
	} concordancia standardo Regis : contra festum	
	} Omnium Sanctorum.	

¹ Assize Roll 299 (7).

² A cursive F in the margin seems to bear this meaning.

³ The dish was a recognized local measure for meal, especially of the mill.

⁴ Owing to mutilation, the exact position of this minute is doubtful.

12. GLOUCESTERSHIRE: SESSION AT BERKELEY BEFORE WILLIAM OF CHELTENHAM AND HIS FELLOWS, JUSTICES OF THE LORD KING APPOINTED TO INQUIRE AND SURVEY IN THE COUNTY OF GLOUCESTERSHIRE, AS WELL WITHIN LIBERTIES AS WITHOUT, THAT MEASURES AND WEIGHTS BE IN ACCORDANCE WITH THE KING'S STANDARDS (1343),

and to hear and determine whatsoever shall happen to be found in this behalf; held on Thursday next after the Decollation of S. John the Baptist, in the 17th year of the reign of King Edward, the Third from the Conquest of England, and the fourth of his Reign of France.

Thornbury.

Session there before John Bekyngton and his fellows, justices to survey in the county of Gloucestershire that measures and weights be in accordance with the standards, etc., on the Sabbath next before the Feast of the Nativity of S. Mary in the 17th year of the reign of King Edward, the Third from the Conquest.

Pudering-
ton.

Tithingmen, Robert Batyn, William le Zouche, Thomas Legatt, John Long and Edward the . . . present that :

False.

William Corbet, lord of the town, has 1 bushel greater than the standard.

Philip Allat has 1 bushel, gallon, peck, quarter.

Thomas Trimody has 1 bushel greater than the standard, therefore, etc.

Roger Amyot has 1 bushel greater than the standard, therefore, etc.

William Massy has 1 bushel not agreeing, therefore, etc.

John Walkot has 1 bushel.

Thomas the Smith has 1 bushel.

William le Zouche has 1 bushel greater than the standard.

John Davy has a half bushel of straw, therefore let it be burned.

Edward the Millward has 1 bushel, a peck and a dish.¹

Thomas Batyn has 1 bushel. It agrees; therefore to be allowed.

Walter the tailor has one yard.

Philip the Long	}	Sworn to 'affeer' all measures and weights of the
Walter of Fishpool		Hundred of Thornbury that they be in accord-
	}	ance with the King's standard; against the
		Feast of All Saints.

¹ See footnote 3 opposite. It is also possible that the abbreviation stands for 'disallowed.'

Other Minutes (some cursive, others in the same hand).

Non concordant, ideo comburantur [e.g. *straw*].

Misericordia, quia non habet mensuram [*referred to*].

Per plegium A. B.

per manucaptionem A. B.

Utitur galone, potello et quart'.

In the Hundred of Weston the original presentment is emended by interlineations, such as Probatur, non concordans, probatur major standardi. Cancellatur et non sigillatur ideo dis[tringatur]. Non venit ideo distringatur. Venit et dat plegios ad iudicium [audiendum]. Distringatur *xxd.*

13. ¹ PLACITA CORAM DOMINO REGE IN CANCELLARIA SUA APUD WESTMONASTERIUM IN CRASTINO ASCENSIONIS DOMINI, ANNO REGNI REGIS EDWARDI TERCII QUADRAGESIMO. (1366.)

Somerset.

Dominus Rex nuper volens certiorari super causa capcionis proficuum proveniencium de stallagiis vocatis 'shameles'² Roberti Sambourne, persone ecclesie de Yevele, cum pertinenciis in Yevele, per Johannem de Bekyngton, escaetorem domini Regis in comitatu Somerset, in manum Regis, ut dicebatur, precepit eidem escaetori quod ipsum Regem inde in Cancellaria sua certificaret. Ac idem escaetor in dicta Cancellaria retornavit quod cepit in manum Regis proficua proveniencia de stallagiis vocatis 'shameles' predicti Roberti, cum pertinenciis in Yevele, pro eo quod invenit per inquisitionem quod idem Robertus adquisivit de communitate ejusdem ville de Yevele, arte et ingenio, omnia proficua proveniencia de dictis stallagiis vocatis 'shameles,' in regia via et in communi strata, habenda ad manum mortuam, licencia regia super hoc non obtenta. Ac postmodum prefatus Robertus in Cancellaria Regis apud Westmonasterium in crastino Ascensionis Domini, anno regni domini Regis nunc quadragesimo, personaliter comparens dicit quod ipse est persona ecclesie de Yevele et dominus dicte ville de Yevele, ut de jure ecclesie sue predicte; et quod ipse habet in eadem villa unum mercatum die Veneris, singulis septimanis; et quod vastum dicte ville est proprium solum ipsius Roberti; in quo quidem solo stallagia predicta

¹ Chancery, Common Law Pleadings, File 4, No. 8.

² For these market 'shambles' and the local conditions generally, see Introduction, p. xlix, and cf. *Law Merchant*, Vol. I, pp. xl, cvi-cix.

*Other Minutes (etc.).*¹

Not agreeing, therefore let them be burnt [e.g. *straw*].

In mercy, because he has not a measure [*etc.*].

By the pledge of A. B.

By the mainprise of A. B.

He uses a gallon, pot and quart.

. . . It is proved not agreeing: It is proved greater than the standard. It is cancelled and not sealed, therefore let him be distrained. He does not come, therefore let him be distrained. He comes and gives pledges to hear his judgment. He is to be distrained for 20*d*.

13. PLEAS BEFORE THE LORD KING IN HIS CHANCERY AT WESTMINSTER ON THE MORROW OF THE ASCENSION OF OUR LORD, IN THE FORTIETH YEAR OF THE REIGN OF KING EDWARD THE THIRD. (1366.)

Somerset.

The lord King, willing lately to be certified by John of Bekyngton, the lord King's Escheator in the county of Somerset, upon the cause of the taking into the King's hand, as it is said, of the profits proceeding from the stallages called 'shambles' of Robert Sambourn, parson of the church of Yeovil, with the appurtenances in Yeovil, made precept to the same escheator that he should certify him, the King, thereof in his Chancery. And the same escheator returned in the same Chancery that he took into the King's hand the profits arising from the stallages called 'shambles' of the aforesaid Robert with the appurtenances in Yeovil, for that he found, by inquisition, that the same Robert acquired from the community of the same town of Yeovil, by artifice and cunning, all the profits forthcoming from the said stallages called 'shambles' in the King's way and in the common street, to be had for the dead hand, the royal licence not being obtained for this. And afterwards the before-named Robert, personally appearing in the King's Chancery at Westminster, on the Morrow of the Ascension of Our Lord, in the fortieth year of the now lord King, says that he himself is parson of the church of Yeovil and lord of the said town of Yeovil as in right of his church aforesaid; and that he himself has in the same town one market on Friday in every week; and that the waste of the said town is the proper soil of him, Robert, in which soil, indeed, the stallages

¹ See opposite.

prius fixa fuerunt per ballivos et ministros personarum ecclesie predictae, predecessorum ipsius Roberti, post tempus memorie, et sic jam existent in solo ipsius Roberti et non in regia via nec in communi strata, de quibus quidem dominio, mercato et solo, idem Robertus et omnes predecessores sui, persone ecclesie predictae, ut de jure dicte ecclesie sue, a tempore quo non exstat memoria seisisi fuerunt. Et sic idem Robertus proficua stallagiorum predictorum in forma predicta percipit; absque hoc, quod proficua predicta de communitate ville predictae adquisivit, prout per predictam certificacionem supponitur. Et hoc paratus est verificare per patriam. Et Michaelis Skylling, qui sequitur pro domino Rege, dicit quod predictus Robertus adquisivit dicta proficua de dictis stallagiis proveniencia de communitate ville predictae sine licencia domini Regis, et quod dicta stallagia sunt in via regia et non in communi strata, sicut per dictam certificacionem est compertum. Et hoc petit quod inquiratur per patriam. Et predictus Robertus similiter. Ideo datus est dies partibus predictis coram domino Rege in Quindena Sancte Trinitatis proxima futura, ubicumque tunc fuerit,¹ ad faciendum et recipiendum quod justum fuerit in premissis.

² Edwardus Dei gracia, [*etc.*] dilecto sibi Johanni de Bekyngton' escaotori suo in comitatu Somersete, salutem. Volentes quibusdam certis de causis certiorari super modo et causa capcionis unius mesuagii triginta acrarum terre trium acrarum prati et duarum marcatarum redditus ac de proficuis convenientibus de stallagiis vocatis 'shameles' Roberti Samborne; persone ecclesie de Ievele, cum pertinentiis in Ievele et Prestone, per te in manum nostram, ut dicitur [*captis*³]; tibi precipimus quod nos in Cancellaria nostra super modo et causa predictis, sub sigillo tuo distincte et aperte, sine dilacione, reddas certiores; hoc breve remittens. Teste me ipso, apud Westmonasterium viij^o die Maii, anno regni nostri quadragesimo . . .

ROYNHOPE.

[*Indorsed*] Per David de W . . .

Execucio istius brevis patet in quadam scedula huic brevi consuta.

² Ego Johannes de Bekyngton', escaetor domini Regis in comitatu Somersete, cepi terras, tenementa et redditus in brevi huic cedule annexa, pro eo quod accepi per inquisitionem, coram me ex officio

¹ 'fuerimus' in record.

² Inquisitions Miscellaneous, Chancery, File 190, No. 4.

³ This word seems to have been omitted.

aforesaid were previously fixed by the bailiffs and ministers of the parsons of the church aforesaid, predecessors of him, Robert, for the time that can be remembered, and so now are on the soil of him, Robert, and not in the King's Way nor in the common street, of which domain, market and soil, indeed, the same Robert and all his predecessors, parsons of the church aforesaid, have been seised from a time of which no memory survives, as of the right of their said church. And so the same Robert takes the profits of the stallages aforesaid in the form aforesaid. Without this, that he acquired the profits aforesaid from the community of the town aforesaid, as by the aforesaid certification is supposed. And this he is ready to aver by the country. And Michael Skylling, who sues for the lord King, says that the aforesaid Robert acquired the said profits forthcoming from the said stallages of the community of the town aforesaid without the licence of the lord King, and that the said stallages are on the King's way and not in the common street, as is found by the said certification. And he asks that this may be inquired by the country. And the aforesaid Robert likewise. Therefore a day is given to the parties aforesaid before the lord King, in the Quindisme of the Holy Trinity next to come, wheresoever he may then be, to do and receive what shall be just in the premises.

Edward by the grace of God [*etc.*], to his beloved John de Bekyngton', his escheator in the county of Somerset, greeting. Willing for certain special reasons to be certified upon the manner and cause of the taking of one messuage, thirty acres of land, three acres of meadow and two marcates of rent, and of the profits forthcoming from the stallages (called 'shambles') of Robert, parson of the church of Yeovil, with their appurtenances in Yeovil and Preston', [taken] by thee into our hand, as it is said, we order thee that thou render us information in our Chancery upon the manner and cause aforesaid under thy seal, distinctly and openly, without delay, remitting this writ. Witness myself at Westminster, the 8th day of May in the fortieth year of our reign.

ROYNHOPPE.

[*Indorsed*] By David de W . . .

The execution of his writ appears in a certain schedule sewn to this writ.

I, John de Bekyngton', escheator of the lord King in the county of Somerset, have taken the lands, tenements and rents in the writ sewn to this schedule, for that I learnt by inquisition, taken before me in

meo captam, quod quidam¹ rectores ecclesie de Ievele, qui pro tempore fuerint, solebant annuatim invenire quendam capellanium divina celebraturum per tres dies in septimana, videlicet diebus Dominicis, Mercurii et Veneris in capella Sancti Jacobi de Prestone imperpetuum; et postea, quidam,¹ domini de Prestone² dederunt terras et tenementa et redditus predicta, in brevi contenta, predecessoribus Roberti Sambourne, rectoris dicte ecclesie nunc, ad inveniendum predictum capellanium per quatuor dies per annum, simul cum predictis tribus diebus, ad performandum integram septimanam, ibidem divina celebraturum pro animabus Regum et progenitorum suorum et pro animabus dictorum dominorum et omnium fidelium defunctorum, imperpetuum; quod, quidem, servitium quatuor dierum predictorum subtractum est per Robertum de Sambourn', rectore dicte ecclesie jam quatuor annis elapsis. Et quia predictum servitium dicti capellani dictorum quatuor dierum, sic divina celebraturi, subtractum est per tempus predictum, ea de causa illud cepi in manum domini Regis et non alia.³

Cepi eciam proficua proveniencia de stallagiis vocatis 'shameles' dicti Roberti Sambourn', rectoris dicte ecclesie de Ievele, cum pertinenciis in Ievele, pro eo quod accepi, per inquisitionem, quod idem Robertus de Sambourne adquisivit de communitate ejusdem ville de Ievele, arte et ingenio, omnia proficua proveniencia de stallagiis vocatis 'shameles' predictis in regia via et in communi strata dicte ville scituata, habenda in manum mortuam, licencia domini Regis super hoc non optenta. Et ea de causa illa cepi in manum domini Regis et non alia.

14. ⁴[PLACITA APUD GIPPEWICUM CORAM JUSTITIARIIS REGIS AD . . . TRANSGRESSIONES AUDIENDAS ET TERMINANDAS ASSIGNATIS . . . ANNO REGNI REGIS HENRICI SEXTI POST CONQUESTUM SEXTO DECIMO.] (1438.)

⁵ Dominus Rex mandavit carissimo suo Willelmo comiti Suffolcie ac dilectis et fidelibus suis Willelmo Philypp' militi, Willelmo Godered, Johanni Cottesmore, Willelmo Paston, Willelmo Drury, militi, Roberto

¹ 'quidem' in roll.

² Blank in roll.

³ Cf. Inquisitions Miscellaneous, Chancery, File 161, No. 10. Here a return made in 48 Edward III by the Somerset escheator states that the late rector of Yeovil acquired four messuages and 54 acres of land in Preston and Hyneford (now belonging to the present parson) from Roger Bak, chaplain, long before the Statute of Mortmain, to hold in frankalmoin and of the lord of Yeovil by fealty only.

⁴ Assize Roll 862 (8). There is no heading in the record and the following title has been reconstructed.

⁵ Cf. Cal. Pat. Roll, p. 199.

virtue of my office, that certain rectors of the church of Yeovil who were instituted for the time being, were wont to find yearly a certain chaplain to celebrate divine service on three days in the week, namely on Sunday, Wednesday and Friday, in the chapel of S. James of Preston, for ever ; and afterwards the lords of Preston gave the lands and tenements and rents aforesaid, contained in the writ, to the predecessors of Robert Sambourn, now rector of the said church, to find the aforesaid chaplain for four days throughout the year, together with the aforesaid three days, to make up a whole week, to celebrate divine service there for the souls of the kings and their progenitors, and for the souls of the said lords and of all the faithful departed, for ever ; which service indeed of the four days aforesaid was withdrawn by Robert de Sambourn, rector of this church, now four years past. And because the aforesaid service of the said chaplain for the said four days was withdrawn during the time aforesaid, I took it into the King's hand for that cause and not for another.

I have taken also the profits forthcoming from stallages called ' shambles ' of the said Robert Sambourn, rector of the said church of Yeovil, with the appurtenances in Yeovil, for that I learnt by inquisition that the same Robert Sambourn acquired from the community of the same town of Yeovil, by artifice and cunning, all the profits forthcoming from the stallages called ' shambles ' aforesaid situated on the King's way and in the common street of the said town, to be had in the dead hand, the King's licence for this not being obtained. And for that cause I took these things into the King's hand and not for another.

14. [PLEAS AT IPSWICH BEFORE . . . THE KING'S JUSTICES ASSIGNED TO HEAR AND DETERMINE . . . TRESPASSES . . . IN THE SIXTEENTH YEAR OF THE REIGN OF KING HENRY, THE SIXTH AFTER THE CONQUEST.]¹ (1438.)

The lord King sent command to his very dear William, Earl of Suffolk, and to his beloved and faithful William Philipps, knight, William Goddard, John Cottesmore, William Paston, William Drury,

¹ See footnote 4 opposite.

Cavendyssh', Willelmo Yelverton', Johanni Harleston', Johanni Heydon, Ricardo Boket et Ricardo Bothe, salutem.

Ex gravi querela Clays Yandisson', mercatoris ville de Harleham in Holandia, accepimus quod cum ipse jam tarde in regno nostro Anglie cum quadam navi sua vocata 'la Marye' panno lineo, Osemund' et aliis mercandisis suis ad quandam portum infra comitatum Suffolcie, Southwolde Haven vulgariter nuncupatum, venisset et mercandisas illas diversis mercatoribus regni predicti vendidisset, ac quater viginti et decem quarteria ordeï et quatuor lastas¹ de sperlyng cum moneta pro mercandisis predictis recepta emisset, predictam que navem cum eisdem ordeo et lastis in portu predicto fretasset, quidam Henricus Sterlyng de Southwold in comitatu predicto yoman et Henricus Joye de Southwold in dicto comitatu, shipman, aggregatis sibi quam pluribus malefactoribus ignotis, usque ad numerum quater viginti personarum, armatis et modo guerrino arraiatis, vi et armis in navim predictam intraverunt et prefatum Clays ac nautas suos inibi existentes ab inde recedere ar[c]taverunt, et in ipsum Clays ac dictos nautas suos ibidem insultum fecerunt et ipsos verberaverunt, vulnaverunt et male tractaverunt, et cistam suam cum octo marcis de denariis suis in pecunia numerata ibidem inventam ceperunt et asportaverunt, necnon in concavitatem navis predictæ declinaverunt et quoddam foramen, longitudinis trium pedum et latitudinis unius pedis in latere navis predictæ cum quadam securi fecerunt, ac foramine illo per ipsos Henricum et Henricum et malefactores predictos sic facto, extra eandem navim recesserunt, et prefatos Clays ac nautas suos predictos in navim illam reintrare compulserunt, ac quendam nautam de nautis predictis extra eandem navi in mare projecerunt, navimque illam unacum ordeo et lastis predictis ibidem demergi fecerunt et demersam reliquerunt, et alia enormia ibidem perpetraverunt ad grave dampnum ipsius Clays et contra pacem nostram.

Et quia transgressionem predictas, si taliter perpetrate fuerint, relinquere nolumus impunitas, assignavimus vos undecim, decem novem octo septem sex quinque quatuor tres et duas vestrum, quorum aliquem vestrum, vos prefatum Willelmum Godered, Johannem Cottesmore et Willemum Paston unum esse volumus, justiciarios nostros ad inquirendum per sacramentum proborum et legalium hominum de comitatu predicto per quos rei veritas melius sciri poterit, de nominibus omnium et singulorum malefactorum predictorum qui, unacum prefatis Henrico

¹ Cf. *Tracts and Table Books*, p. 63.

knight, Robert Cavendish, William Yelverton, John Harleston, John Heydon, Richard Boket and Richard Bothe, greeting.

From the grave complaint of Clays Yandisson, merchant of the town of Haarlem in Holland, we have learnt that when he now lately ¹ had come into our réalm of England with a certain ship of his named the 'Mary,' [laden] with linen cloth, Osmonds and other his merchandises at a certain port within the county of Suffolk, commonly named Southwold Haven, and had sold those merchandises to divers merchants of the realm aforesaid, and had bought ninety quarters of barley and four lasts of sparling with the money received for the merchandises aforesaid, and had freighted the aforesaid ship in the port aforesaid with the same barley and lasts, a certain Henry Sterlyng of Southwold in the county aforesaid, yeoman, and Henry Joye of Southwold in the said county, shipman, assembling to themselves very many malefactors unknown, up to the number of eighty persons, armed and arrayed in warlike manner, entered into the ship aforesaid and forced the before-mentioned Clays and his sailors, being therein, to withdraw therefrom ; and made assault on him, Clays, and his said sailors, and beat, wounded and ill-treated them, and took and carried away his chest with eight marcs of his moneys, in money by count, found there ; moreover they descended into the hold of the ship aforesaid and made a certain breach of the length of three feet and the width of one foot in the side of the ship aforesaid with a certain axe, and that breach having been thus made by them, Henry and Henry and the malefactors aforesaid, they withdrew out of the same ship and compelled the before-mentioned Clays and his sailors aforesaid to enter again into that ship, and they threw a certain sailor of the sailors aforesaid out of the same ship into the sea, and then caused that ship, together with the barley and lasts aforesaid, to be there submerged, and left her submerged, and perpetrated other enormities there to the heavy loss of him, Clays, and against our peace.

And because we are unwilling to leave the trespasses aforesaid, if they have been thus perpetrated, unpunished, we have appointed you, eleven, ten, nine, eight, seven, six, five, four, three and two of you (of whom we will you, William Goddard, John Cottessmore and William Paston to be one), our justices to inquire, by the oath of good and lawful men of the county aforesaid, by whom the truth of the matter may be better known, as to the names of all and singular the malefactors aforesaid who, together with the before-mentioned Henry and Henry,

¹ This is a literal version of the conventional phrase used in the record which refers to a definite circumstance.

et Henrico, transgressionibus predictas perpetrarunt, et de transgressionibus illis plenius veritatem, et easdem transgressionibus audiendum et terminandum secundum [legem]¹ et consuetudinem regni nostri Anglie.

Et ideo vobis mandamus quod ad diem et locum quos vos undecim [etc., as above] vestrum [quorum, etc.,² as above] vos prefate Willelm Godered [etc., as above] unum esse volumus, ad hoc previderitis, inquisitiones super premissis faciatis et transgressionibus predictas audiat et terminet in forma predicta : facturi inde quod ad justiciam pertinet, secundum legem et consuetudinem regni nostri Anglie. Salvis nobis amerciamentis inde provenientibus. Mandavimus enim vicecomiti nostro predicto quod ad certum diem et locum, quos vos [etc.], quorum aliquem [etc.] unum esse volumus, ei scire facietis, venire faceret coram vobis [etc.], quorum [etc.], tot et tales probos et legales homines de balliva sua, tam infra libertates quam extra, per quos rei veritas in premissis melius sciri poterit et inquiri. In cujus rei testimonium has literas nostras fieri fecimus patentes. Teste me ipso apud Westmonasterium xxij die Maii anno regni nostri sexto-decimo.

Quarum literarum pretextu preceptum fuit vicecomiti quod, capta securitate de prefato Clays de clameo suo proseguendo, venire faceret coram prefatis justiciariis apud Gippewicum die Lune proxima ante festum Sancte Margarete Virginis, tunc proxima futurum, predictos Henricum et Henricum ad respondendum prefato Clays, simul cum quibusdam aliis malefactoribus et pacis domini Regis perturbatoribus de predictis placitis. Et quod venire faceret³ coram prefatis justiciariis apud Gippewicum predictum, die Lune, xxij probos et legales [homines] de visneto de Southwold Haven, per quos, etc., ad inquirendum per eorum sacramentum qui malefactores et pacis domini Regis perturbatores transgressionibus predictas prefato Clays, unacum prefatis Henrico et Henrico perpetraverunt. Et vicecomes fecit inde executionem, etc.

Suffolk'.

Clays Yandisson', mercator ville de Harleham in Holand', ponit loco suo Johannem Ulveston versus Henricum Sterlyng de Southwold in comitatu predicto, yoman, Henricum Joye de Southwold' in dicto comitatu, shipman', et alios malefactores [etc.] de placito transgressionis, etc.

¹ 'legem' omitted in roll.

³ 'feceret' in roll.

² 'quorum' omitted in roll.

perpetrated the trespasses abovesaid, and more fully the truth concerning those trespasses, and to hear and determine the same trespasses according to the [law] and custom of our realm of England.

And therefore we command you that, at the day and place which you, eleven [*etc.*] of you (of whom [*etc.*] we will you, the aforesaid William Goddard [*etc.*], to be one), shall have provided for this, you are to make inquisitions upon the premises, and hear and determine the trespasses aforesaid in the form aforesaid : doing therein what pertains to justice, according to the law and custom of our realm of England, saving to us the amercements thence forthcoming. For we have commanded our sheriff aforesaid that at a certain day and place, which you [*etc.*], of whom we will [*etc.*] to be one, shall make known to him, he should make to come before you [*etc.*], of whom [*etc.*], so many and such good and lawful men of his bailiwick, as well within liberties as without, by whom the truth of the matter in the premises shall be better known and inquired. In witness of which thing, we have caused our letters to be made patent. Witness myself at Westminster, the 23rd day of May in the sixteenth year of our reign.

By pretext of which letters precept was made to the sheriff that, having taken security from the before-mentioned Clays for prosecuting his claim, he should make to come the aforesaid Henry and Henry, together with the other malefactors and disturbers of the peace of our lord the King, before the before-mentioned justices at Ipswich on Monday next before the Feast of S. Margaret the Virgin, then next coming, to answer the before-mentioned Clays as to the pleas aforesaid. And that he should make to come before the before-mentioned justices, at Ipswich aforesaid, on the Monday, 24 good and lawful men of the vicinity of Southwold Haven, by whom, etc., to inquire by their oath what malefactors and disturbers of the peace of our lord the King perpetrated the aforesaid trespasses on the before-mentioned Clays in the company of the before-mentioned Henry and Henry. And the sheriff made execution thereof, etc.

Suffolk.

Clays Yandisson, merchant of the town of Haarlem in Holland, puts in his place John Ulveston against Henry Sterlyng of Southwold in the county aforesaid, yeoman, Henry Joye of Southwold in the said county, shipman, and other malefactors [*etc.*] in respect of a plea of trespass, etc.

Placita apud Gippewicum coram prefatis Johanne Cottesmore, Willelmo Drury, Roberto Cavendysshe et Johanne Heydon, justiciariis domini Regis ad transgressionem predictas una cum prefato comite [*etc., as above*], audiendas et terminandas assignatis ; apud Gippewicum, die Lune [*etc.*] anno regni regis Henrici sexti post Conquestum sextodecimo.

Suffolo'.

Scilicet : Clays Yandisson, mercator ville de Harleham in Holand, per Johannem Ulveston' attornatum suum, optulit se predicto die Lune versus Henricum Sterlyng de Southwold, yoman, et Henricum Joye de Southwolde in dicto comitatu, shipman, de placito transgressionis. Et ipsi non veniunt. Et preceptum fuit vicecomiti quod venire faceret eos hic, etc. Et vicecomes modo mandat quod nichil habent, etc. Ideo preceptum est vicecomiti quod capiat eos, si, etc. Et salvo, etc., ita quod habeat corpora eorum coram prefatis justiciariis hic, scilicet apud Gippewicum die Martis quinto decimo die Julii proximo futuro ad respondendum prefato Clays, simul, etc., de predicto placito, etc.

Inquisicio apud Gippewicum de comitatu predicto coram prefatis Johanne Cottesmore [*etc., as above*], justiciariis [*etc.*], unacum [*etc., as above*], audiendas [*etc.*], predicto die [*etc.*], per sacramentum Johannis Neve [*and the other jurors*]. Qui dicunt super sacramentum suum quod Willelmus Wake nuper de Eston' in comitatu Suffole', shipman, simul cum Henrico Sterlyng de Southwold [*etc.*], yeoman [*etc., as above*],¹ in literis patentibus domini Regis nominatis, et aliis malefactoribus ignotis, die Lune proxima post festum Sancti Nicholai Episcopi anno supradicto, vi et armis, omnes transgressionem in predictis literis patentibus contentas prefato Clays perpetrarunt. Ideo preceptum est vicecomiti quod venire faciat hic, scilicet apud Gippewicum, die Martis quinto decimo die Julii proximo futuro predictum Willelmum Wake [*and the others*] ad respondendum prefato Clays, simul cum, etc., de placito transgressionis.

Placita apud Gippewicum coram [*above Justices on the date provided*].

Suffole'.

Scilicet : Clays Yandisson [*as above*] optulit se [*as above*] de placito transgressionis. Et ipsi non veniunt. Et preceptum fuit vicecomiti

¹ The defendants included five shipmen, a husbandman, a labourer, and a yeoman.

Pleas at Ipswich before the before-mentioned John Cottesmore, William Drury, Robert Cavendish and John Haydon, justices of the lord King appointed to hear and determine the trespasses aforesaid together with the before-named Earl [*etc.*]; at Ipswich, on Monday [*etc.*] in the sixteenth year of the reign of King Henry, the Sixth after the Conquest.

Suffolk.

To wit: Clays Yandisson, merchant of the town of Haarlem in Holland, by John Ulveston his attorney, offered himself on the aforesaid Monday against Henry Sterlyng of Southwold, yeoman, and Henry Joye, of Southwold in the said county, shipman, in a plea of trespass. And they [Henry and Henry] do not come. And precept was made to the sheriff that he should make them come here, etc. And the sheriff now reports that they have nothing, etc. Therefore precept is made to the sheriff that he take them, if, etc. And [he is to keep them] safely, etc.; so that he have their bodies before the before-mentioned justices here, namely, at Ipswich on Tuesday the fifteenth day of July next coming, to answer the before-mentioned Clays, together with, etc., in respect of the aforesaid plea, etc.

Inquisition at Ipswich in the county aforesaid before the before-mentioned John Cottesmore [*etc., as above*], justices [*etc.*], together with [*etc., as above*], to hear [*etc.*] on the aforesaid day [*etc.*], by the oath of John Neve [*etc.*]. Who say, on their oath, that William Wake late of Easton in the county of Suffolk, shipman, together with Henry Sterlyng of Southwold [*etc.*], yeoman [*and another*], named in the letters patent of the lord King, and other malefactors unknown, on Monday next after the Feast of S. Nicholas the Bishop in the year abovesaid, by force and arms perpetrated on the before-mentioned Clays all the trespasses contained in the aforesaid letters patent. Therefore precept is made to the sheriff that he make the aforesaid William Wake [*and the others*] to come here, namely, at Ipswich on Tuesday the fifteenth day of July next coming, to answer the before-mentioned Clays, together with, etc., in a plea of trespass.

Pleas at Ipswich before [*etc.*].¹

Suffolk.

To wit: Clays Yandisson [*etc.*]¹ offered himself [*etc.*]¹ in a plea of trespass. And they did not come. And precept was made to the

¹ See opposite.

quod caperet predictos Henricum et Henricum. Et eciam quod venire faceret predictos [*the other defendants*] hic ad respondendum [*etc.*]. Et vicecomes modo mandat quod predicti Henricus et Henricus non sunt inventi,¹ etc. Ideo sicut prius, etc., capiat predictos Henricum et Henricum ita quod habeat corpora eorum coram prefatis justiciariis apud Henhowe, die Lune vicesimo primo die Julii, proximo futuro ad respondendum [*etc.*]. Et de prefato Willelmo [*and others*] mandat vicecomes quod nichil habent, etc. Ideo preceptum est [*as above*].

Placita apud Henhow' coram prefatis Johanne Cottesmore [*etc.*] die Veneris vicesimo die Februarii anno regni Regis predicti decimo septimo.

Suffolk'.

Henricus Joye de Southwolde [*etc.*], shipman, attachiatus est ad respondendum Clays Yandisson de placito quod, cum idem Clays jam tarde [*as above*, p. 165, ll. 4–12], predictus Henricus simul cum Henrico Sterlyng [*and the other defendants*], aggregatis sibi [*etc.*],² ad grave dampnum ipsius Clays et contra pacem Regis. Et unde idem Clays . . . queritur quod cum idem Clays jam tarde [*as above*] et contra pacem, etc. Unde dicit quod deterioratus est et dampnum habet ad valenciam quingentarum librarum. Et unde producit sectam, etc.

Et predictus Henricus Joye in propria persona sua venit et defendit vim et injuriam quando, etc. Et dicit quod [ipse nullo modo] est culpabilis de transgressione predicta, prout predictus Clays superius versus eum queritur. Et de hoc ponit se super patriam. Et dictus Clays similiter. Ideo preceptum est vicecomiti quod venire faciat hic scilicet apud [Henhowe]³ vicesimo quarto die Julii, proximo futuro xij, etc., . . . de alienigenis . . .⁴ Et . . . habendum corpus ejus ad prefatum terminum. Et sic de die in diem ad . . . diem placiti, quousque inter eos transierit et judicium inde redditum fuerit, videlicet quilibet eorum corpus [pro] corpore, etc.⁵

¹ 'inveni' repeated in roll.

² The relation of the outrage follows in much the same words as above, pp. 165–66.

³ The membrane is much rubbed.

⁴ Besides the summoning of a jury the defendant had to be mainprised till the adjourned hearing on 21 July next, and mainperners are found in two gentlemen and two yeomen accordingly.

⁵ For some analogous cases, see Introduction, p. xxxviii.

sheriff that he should take the aforesaid Henry and Henry. And also that he should make the aforesaid [*etc.*]¹ to come here to answer [*etc.*]. And the sheriff now reports that the aforesaid Henry and Henry have not been found, etc. Therefore as before, etc., so that he have their bodies before the above-named justices at Henhowe on Monday the twenty-first day of July, to answer [*etc.*]. And as to the before-mentioned William [*etc.*]¹ he reports that they have nothing, etc. Therefore precept is made [*etc.*]¹

Pleas at Henhowe before the before-mentioned John Cottessmore [*etc.*] on Friday, the twentieth day of February, in the seventeenth year of the reign of the King aforesaid.

Suffolk.

Henry Joye of Southwold [*etc.*], shipman, is attached to answer Clays Yandisson in a plea that when he, Clays, now lately had come [*etc.*],² the aforesaid Henry, together with Henry Sterlyng³ [*etc.*], collecting [*etc.*]³ to the grave damage of him, Clays, and against the King's peace. And whereupon the same Clays . . . complains that when the same Clays now lately [*etc.*]² and against the peace, etc. Whereby he says that he is the worse and has loss to the value of five hundred pounds. And thereof he produces suit, etc.

And the aforesaid Henry Joye comes in his proper person and defends force and injury when, etc. And he says that he himself in no way is guilty of the trespass aforesaid, as the aforesaid Clays above complains against him. And of this he puts himself on the country, and the said Clays likewise. Therefore precept is made to the sheriff that he make to come here, at [Henhowe], on the twenty-fourth day of July next coming, 12, etc. . . . from aliens . . .³ And . . .⁴ to have his body at the before-named term. And so from day to day to the day of the plea, until [the pleading] shall have passed between them and judgment thereof shall have been rendered; namely each one of them body for body, etc.⁵

¹ See opposite.

³ See footnote 3 opposite.

⁵ See footnote 5 opposite.

² See footnote 2 opposite.

⁴ See footnote 4 opposite.

APPENDIX OF DOCUMENTS CHIEFLY RELATING
TO OR ILLUSTRATING CASES PRINTED ABOVE
FROM SPECIAL ASSIZES AMONG THE PLEA
ROLLS.

I.

INQUISITIONS RELATING TO WELSHPOOL MARKET AND FAIR.¹

(a) ² The jurors (at Welshpool) are asked how and by what laws and by what customs the lords of Wales were wont to plead, as peer to peer, concerning lands in dispute in Wales and in the Marches of Wales; and if they were wont to plead of lands of this sort according to the common laws of Wales and the Marches in those places in which such lands were; or in other places, and they say, by their oath, that such lords were wont to plead of such lands by the common laws and customs of Wales and the March. 1278

Also, asked on what account they were wont to plead by customs and common laws of this sort, and in what places, and between what persons, and in the time of what king, and before what justices, and how judgment was rendered thereof, and in what places, and in what cases and when, they say on oath that when a dispute of this sort happened to arise concerning such lands between such lords, they ever sought to have the common law and it was ever granted to them.

And they say that in the time of Llewelyn, grandsire of the Prince now, two brothers, lords of Moighen, were at variance, and one recovered land from the other before the justice of the Prince. This, the law of Hoel Da, and none other law ought to run in Wales and the March, but the jurors know not if it were used before any justice appointed by the King of England; but it ought to run in liberties using their own law, like Welshpool. And if a dispute arose between two Welsh lords, they ought to send to the King, who would send his justices to hear the reasonings on both sides and bring them to agreement by that law; but the jurors do not remember that this was the practice, since there has been mostly observance of the peace or else rule of the strong over the weak.

¹ Chancery Inquisitions, Miscellaneous, 36 (7) (*cf.* above, pp. 140–141).

² Partly illegible, being badly stained and creased. The passages emphasized here are briefly summarized in the Calendar (Vol. I, No. 1109); conversely, the references to contemporary events given in the Calendar are omitted here with the exception of such as bear on the case printed above (p. 140 sq.).

1251 (b) ¹ Henricus, Dei gracia Rex Anglie [*etc.*], dilectis et fidelibus suis Guidoni de Rupeforti et Johanni Extranco, salutem. Mandamus vobis quod per sacramentum proborum et legalium hominum diligenter inquiratis qualiter burgenses nostri de Mumgumbery usi sunt libertatibus in carta sua contentis. Et si ipsi omnibus articulis libertatum carte sue usi non sunt, quibus et a quo tempore [eis usi] ² non sunt. Et inquisitionem inde factam sub sigillis vestris et sigillis eorum per quos facta fuerit nobis sine dilacione mittatis et hoc breve. Teste me ipso apud Guldeford, xvij die Septembris, anno regni nostri xxxv.

[*Annexed*] Inquisicio facta die Lune proxima post festum Beati Michaelis anno regni regis Henrici filii regis Johannis tricesimo quinto; per preceptum domini Regis, de libertatibus contentis in carta sua de burgo de Monte Gomeri; per sacramentum subscriptorum, scilicet, . . .³ Qui dicunt per sacramentum suum quod burgenses domini Regis de [Monte Gomeri] tempore pacis, usi fuerunt omnibus articulis et libertatibus contentis in carta sua; set tempore domini Johannis Extranei, tunc ballivi domini Regis de Monte Gomeri, [ve]nerunt homines de Saloppesbiria et de Ludelawe [et] vendiderunt contra libertates carte sue in foro de Monte Gomeri pannum per talliam,⁴ et emerunt corea cruda et alia mercandisia recencia, per impetracionem domini Petri de Geneure, tunc tempore domini de Ludelawe; unde non sunt usi, scilicet predicti burgenses de Monte Gomeri, predictis articulis et libertatibus quinque annis elapsis. In hujus rei testimonium, huic scripto sigilla sua apposuerunt.

1252 (c) ⁵ Henricus, Dei Gracia Rex Anglie [*etc.*] vicecomiti Salopesire salutem. Precipimus tibi quod per sacramentum proborum et legalium hominum de comitatu tuo, per quos rei veritas melius sciri poterit, diligenter inquiras cujusmodi libertatibus usi fuerunt homines de Ludelawe in villa nostra de Mungumery antequam confecimus hominibus nostris [de] Mungumery novam cartam de libertatibus suis. Et inquisitionem inde distincte et aperte factam, sub sigillo tuo et sigillis eorum per quos facta fuerit, nobis sine dilacione mittas, et hoc breve. Teste me ipso, apud Wudestok', xix^o die Augusti, anno regni nostri xxxvj^{to}.

¹ Chanc. Inq. Misc. 5 (12).

² The document is mutilated.

³ The jurors are mostly English.

⁴ This might mean here 'by the cut piece' rather than 'on credit' (*cf.* above, p. 142).

⁵ Chanc. Inq. Misc. 6 (11).

On another question, they say that if the King grants to Griffith, son of Wenonwen, two weekly markets (named) and two yearly fairs, this would be to the King's loss of 100*l.*, seeing the great damage formerly done by the grant of a market and fair at Welshpool.

(b) Henry, by the grace of God King of England [*etc.*], to his beloved and faithful Guy de Rochefort and John l'Estrange, greeting. We command you that by the oath of good and lawful men you do diligently inquire in what manner our burgesses of Montgomery have made use of the liberties contained in their charter. And if they have not made use of all the articles of the liberties of their charter, of what and from what time have they not made use of them. And you are to send to us the inquisition made thereof under your seals and the seals of them by whom it shall have been made, without delay, and this writ. Witness myself, at Guildford, the 18th day of September, in the 35th year of our reign.

[*Annexed*] Inquisition made on Monday after the Feast of the Blessed Michael, in the thirty-fifth year of the reign of King Henry, son of King John, by precept of the lord King, concerning the liberties contained in his charter of the borough of Montgomery; by the oath of those underwritten, namely . . . Who say, by their oath, that the burgesses of the lord King of Montgomery, in time of peace, used in all their articles the liberties contained in their charter, but in the time of the lord John l'Estrange came men of Shrewsbury and of Ludlow and sold, contrary to the liberties of their charter, in the market of Montgomery, cloth by tally¹ and bought raw hides and other fresh wares by the contrivance of the lord Peter de Geneure, at that time lord of Ludlow; whereby they, namely, the aforesaid burgesses of Montgomery, have not used their liberties in the aforesaid articles for the lapse of five years. And in testimony of this thing, they have affixed their seals to this writing.

(c) Henry, by the grace of God King of England [*etc.*], to the sheriff of Shropshire, greeting. We order thee that by the oath of good and lawful men of thy county, by whom the truth of the matter shall be better known, thou do diligently inquire what sort of liberties were used by men of Ludlow in our town of Montgomery before we made the new charter of their liberties to our men of Montgomery. And thou art to send us the inquisition made thereof, distinctly and openly, under thy seal and the seals of them by whom it shall have been made, without delay, and this writ. Witness myself, at Woodstock, the 19th day of August, in the 36th year of our reign.

¹ See n. 4 opposite.

[*Annexed*] Inquisicio facta per preceptum domini Regis per subscriptos juratores.¹ . . . Qui dicunt, super sacramentum suum, quod homines de Ludelawe semper usi sunt, ante confectionem nove carte libertatis quam dominus Rex fecit hominibus de Mungumery, omnimodis mercandiis et emptionibus, adeo libere sicut homines de Mungumery emptionibus et vendicionibus, sine tholneo dando ibidem, et sine aliquo impedimento.

[*Indorsed*] Domino Regi per vicecomitem Salop'.²

¹ The names are mostly English.

² For the whole subject see Mrs. O. S. Watkins on 'Markets and Fairs in England and Wales' in *Y Cymmrodorion*, xxv (1915), and cf. *Rot. Chart.* 11 Henry III, m. 13.

[*Annexed*] Inquisition made, by precept of the lord King, by the jurors written below. . . . Who say, on their oath, that the men of Ludlow, before the making of the new charter of liberties, which the lord King made to the men of Montgomery, always had the use of all manner of merchandises and purchases as freely as the men of Montgomery [have for] buying and selling, without giving toll there and without any impediment.

[*Indorsed*] To the lord King, by the sheriff of Shropshire.

II.

¹ OFFICIAL CORRESPONDENCE CONNECTED WITH AN INQUIRY AS TO ELMSTEAD FAIR (STOWTING, KENT), 1354.

(a) ² The King to the Barons of the Exchequer, wishing to be certified as to the claim of William de Kirkeby and Cristina, his wife, before John de Berewyk and his fellows, in the 21st year of Edward (I), formerly king, of certain liberties in Kent, wherefore they are to send to the King from the rolls in their custody the tenor of that claim and allowance. Dated 18 October, 28 Edward III.

(b) ² The King to Robert Cheyney and three other local commissioners, that whereas Thomas of Halden as lord of the hundred of Stowting, Kent, has held there, from time out of mind, a yearly fair, and whereas Henry of Haute now has the King's charter for a like fair in the same place and at the same time, and prevents Thomas by force and arms from holding his fair there, to his undoing, and his delay in paying his farm of the said hundred at the Exchequer, the King wishing to be informed how and when (and so forth) Thomas and other lords in that hundred have had and enjoyed such a fair, enjoins the above commissioners, or a *quorum*, to inquire diligently, by articles, from whom the said grant was received, and how, and if Thomas can hold his own fair at the same time and, if so, by what title, and after what fashion and in what manner. And this they are to certify by inquisition of those best able to say the truth of that matter. By letters patent dated 4 October, 28 Edward III.

(c) ³ The King to the Sheriff of Kent: whereas it has been found by inquisition that a fair annexed to the hundred of Stowting was formerly held by Thomas of Halden and Matilda, his wife, and that a charter thereof was lately granted to Henry of Haute, the sheriff is to notify the said Henry to appear in the Chancery on Monday after S. Martin's to say what he has to say why

¹ Chancery, Common Law Proceedings, 2/7 (see above, p. 153 sq.). For the return annexed see the transcript (2/7/6) printed above (p. 155).

² Ibid., 2/7/5.

³ Ibid., 2/7/1.

the charter granting the said market and fair should not be revoked, and to receive what the court may award therein. Dated 29 October, 28 Edward III.

[*Indorsed*] Henry of Haute having no goods in his bailiwick, outside the archbishop's liberty, the latter's bailiffs have been notified to make this return.

The return follows: that Henry of Haute has been notified to be in the Chancery in accordance with the above precept.

At which day this business is sent *coram Rege*, as appears by record contained on this file.¹

(d) ² Writ of *Dedimus potestatem* to William of Halden for receiving attorneys of Henry of Haute to represent him before the King in respect of the fair formerly enjoyed by Thomas of Halden and Matilda, his wife, annexed to their hundred of Stouting; and after Matilda's death enjoyed by Thomas till the Feast of S. James, last past, when Henry of Haute produced the King's charter for a yearly fair at Elmstead on the same days, whereby the former fair was impeded and annoyed and Thomas himself disinherited. Dated 12 November, 28 Edward III.

III.

³ INQUISITION AS TO A MARKET AND FAIR AT FROME (SELWOOD), SOMERSET (10 ELIZABETH) (1568).

(1) The Queen's writ to Sir John Thynne and four other knights or esquires as special commissioners to inquire the truth of the matters contained in the articles annexed and to have the inquisition and depositions under seal before the Barons of the Exchequer with the utmost possible speed. The Queen having instructed the sheriff to bring a jury, with power to the commissioners, or a *quorum*, to call and examine witnesses and to record the results according to their 'sane discretion,' has ordered all mayors, bailiffs, and other subjects to be attentive to them in this matter.

Dated 3 February, 10 Elizabeth.

(2) Articles of Inquiry (annexed) :—

(a) How long have a market and fairs been kept there; the date, place and number and authority.

¹ See the document (2/7/7) printed above (p. 153), and *cf.* p. 162 sq.

² Chancery, Common Law Pleadings, 2/7/2. For other cases of Chancery Common Law Pleadings concerning markets and fairs see *ibid.*, 2/1 (Stowmarket), 6/39 (Launceston), 4/8 and 4/25 (Buntingford).

³ Exchequer Special Commissions, 1934. A summary only of the procedure in this case could be given here. It should be compared with the primitive procedure above (p. 162 sq.), and with the still more elaborate procedure (Ycovil, 1608-1615) in *Law Merchant*, Vol. II, pp. cvi-cix.

(b) On whose ground were they held and what buildings belong thereto, and if any, to the Queen.

(c) When and by whom were the market and fairs hindered and removed.

(d) On whose ground and by whose appointment have the above market and fairs been held since they were removed and by what authority; and if the new site is convenient or not for the Queen's tenants and other inhabitants of the said town and country.

(3) Answers to the above Articles in the depositions of witnesses (10 Eliz.).

(4) Articles put in on behalf of Anthony Treherne, tenant to Lord Sturton (now a minor), as to losses or hindrances he may have by the removal of the said market and fairs. Articles on behalf of three other householders.

(5) The Queen's writ to the sheriff for process.

(6) Jury list returned by the sheriff.

(7) The Inquisition taken and returned.

IV.

¹PROCEEDINGS ARISING FROM A PLEA OF DEBT BEFORE THE KING'S KEEPER OF THE CITY OF LONDON AS TO OFFENCES AGAINST THE COMMERCIAL CREDIT OF THE CITY (1292).

(a) ² Edwardus Dei gracia Rex Anglie, Dominus Hibernie et Dux Aquitanie, dilecto et fideli suo Radulpho de Sandwico constabulario suo Turris sue Londonie, salutem. Quia super modo et causa capcionis Thome Lucas, capti et detenti in prisiona nostra Turris predicte volumus certiorari, vobis mandamus [quod] de modo et causa predictis sub sigillo vestro, distincte et aperte, sine dilacione nos reddatis certiores; remittentes nobis hoc breve. Teste me ipso apud Westmonasterium, xxvj die Januarii, anno regni nostri vicesimo.

[*Schedule annexed*] Una causa capcionis Thome Lucas est eo quod homines de officio conquesti fuerunt ipsos recepisse grave dampnum in nundinis de Lenne, occasione empcionis predicti Thome Lucas in nundinis predictis, eo quod latenter adivit absque solucione aliqua facienda, propter quod nullus mercator extraneus post illud factum nullam vendicionem civibus Londonie facere voluerit antequam in navibus et domibus suis ad plenum persolverentur; vocando eos falsos debitores et bona sua maliciose asportantes³; ubi antea per unum denarium Dei possent emisse D vel cccc libras bonorum tantum absque solucione aliqua facta.

Alia causa est quod latitavit in Londonia et diffug[i]ebat de villa in villam, et nil habuit per quod potuit attachiari; nec plegios invenire potuit per unum quarterium⁴ et plus standi recto conquerentis secundum legem mercatoriam.

Alia causa est quod cives querebantur quod nisi festinum remedium super hujusmodi facto factum fuerit, quod⁵ bona sua in partibus transmarinis poterint arestari quousque predicto mercatori super debitum et ejus dampna fuerit secundum dictum suum ad plenum satisfactum, etc.

Alia causa est propter famam mercatorum Londonie nundinas et ferias excercentes, que multum per factum suum deterioratur; et magis possit deteriorari, nisi per corpus suum possit justiciari (ex quo nichil habet) in exemplum aliorum.

(b) Placita coram Custode Londonie die Jovis proxima ante festum . Sancti Hillarii, anno regni Regis Edwardi xx^{mo}.

Thomas Lucas, eo quod non est liber civitatis, attachiatus fuit ad respondendum Arnaldo de Grele, mercatori Alemannie, de placito quod reddat ei triginta

¹ Chancery Miscellanea, Bdle. 109/1, Nos. 48-49. This document was selected and printed here because of its interest in connexion with the disputed intervention of the Crown in the civic jurisdiction referred to below and in Vol. II, before the editor discovered that it had been previously printed by Mr. H. G. Richardson (*E.H.R.* xxxvii), p. 242 sq.

² For this aspect of Ralph de Sandwich's administration as Keeper of the Tower of London, see J. F. Baldwin, *Select Cases before the King's Council* (Selden Soc., vol. xxxv, p. 9); and T. F. Tout and Hilda Johnstone, *State Trials of Edward I* (Camden, 3rd ser., vol. ix, pp. 78-80). It is seen here in a more favourable light.

³ An allusion to abstention or, possibly, reprisals.

⁴ Cf. above, pp. 107 and 152 sq.

⁵ Sic.

IV.

(a) Edward, by the grace of God King of England, lord of Ireland and Duke of Aquitaine, to his beloved and faithful Ralph of Sandwich, his constable of his Tower of London, greeting. Because we wish to be certified upon the manner and cause of the taking of Thomas Lucas, taken and detained in our prison of the Tower aforesaid, we command you that you certify us as to the manner and cause aforesaid under your seal, distinctly and openly, without delay, remitting to us this writ. Witness myself, at Westminster, the 26th day of January in the twentieth year of our reign.

[*Schedule annexed*] One cause of the taking of Thomas Lucas is that men complained officially that they had received grave loss in the fair of Lynn occasioned by the buying of the aforesaid Thomas Lucas in the fair aforesaid, because he came to it by stealth without making any payment, wherefore no merchant stranger after that deed wished to make any sale to citizens of London before they were paid in full in their ships and houses, calling them false debtors and maliciously conveying away their goods; where before by one God's penny they [of London] might have bought as much as 500 or 400 pounds [worth] of goods, without making any payment.¹

Another cause is that he lay hidden in London, and fled from town to town, and had nothing by which he could be attached; nor could he find pledges for one quarter of the year¹ and more for meeting the charge of a complainant according to the law merchant.

Another cause is that citizens complained that unless speedy remedy were made for a deed of this kind, their goods in foreign parts might be arrested until the aforesaid merchant should be fully satisfied for the debt and his damages according to his statement, etc.

Another cause is on account of the good fame of merchants of London frequenting the great and small fairs, which has much deteriorated; and it may deteriorate still more, unless he can be justified by his body (besides which he has nothing) as an example for others.

(b) Pleas before the Keeper of London on Thursday next before the

Feast of S. Hilary, in the 20th year of the reign of King Edward.

Thomas Lucas, for that he is not a freeman of the city, was attached to answer to Arnold of Grele, merchant of Almain, on a plea that he render to

¹ Cf. p. 157.

et unam libras sterlingorum quas ei debet, etc. Et unde queritur quod die Lune proxima ante festum Exaltacionis Sancte Crucis, anno xix^o, apud Lenne in nundinis ejusdem, emit ab eo stocfisch¹ pro xxxl. et centum borda² pro viginti solidis, que summa ascendit ad triginta et unam libras sterlingorum predictas, et unde predicta stocfisch et borda a loco amovisse non debuit quousque mercatori plenarie satisfecerit, idem Thomas noctanter cum mercandis predictis recessit et abduxit contra voluntatem predicti mercatoris, fug[i]endo usque Sanctum Botulphum, de Sancto Botulpho usque Lincolniam, de Lincolnia usque Houl et de Houl³ usque Londoniam, semper promittendo se satisfecisse eidem mercatori qui ipsum sic persecutus fuit de villa in villam de predictis triginta et una libris, quas ei nondum solvit, ut dicitur; set eas ei hucusque detinuit; unde dicit quod deterioratus est et dampnum habet ad valenciam xx^u librarum. Et hoc paratus est, etc.

Et predictus Thomas venit et defendit vim et injuriam, et quicquid, etc., et quod 'stocfisch' nec bordum ab eo emit in nundinis de Lenne, sicut ei imponitur, per quod teneatur ei in predictis triginta et una libris, nec in aliquo denario, paratus est verificare per patriam, etc. Et Arnaldus similiter, per mercatores tunc existentes in nundinis predictis, etc. Et loquendum est cum aldermannis⁴ et consulendum super hujusmodi verificacione, usque diem Sabbati, etc. Et idem dies datus est partibus, etc.

Ad quem diem idem Thomas recusavit se ponere super mercatores in nundinis predictis tunc existentes, etc. Ideo moratur, etc.

[Indorsed] Coram domino Rege et ejus Consilio, per Radulphum de Sandwyco.

V.

⁵ DOCUMENTS ELUCIDATING THE FORGERY OF STATUTE MERCHANT RECOGNIZANCES AT WINCHESTER (1297-1311).

⁶ (1) Reverendo in Christo patri, domino suo domino J[ohanni] Dei gratia Cicestrensi episcopo, illustris regis Anglie cancellario, sui Johannes le Gras major Wintonie et Adam Poverey clericus juratus, ad recogniciones debitorum Wyntonie accipiendas deputati salutem cum omni reverentia et honore. Paternitati et dominationi vestre reverend[e] singnificamus per presentes quod Radu fus le Gras, miles, de comitatu Essex, venit nuper coram Adam de Northampton et Johanne de Aune, tunc clerico, ad pred ctas recongniciones capiendas assingnatis, et recongnovit se debere Ricardo Le Gras, fratri suo,

¹ The consistent spelling of this word in its Danish form is noticeable.

² *i.e.* 120 boards.

³ *i.e.* Kingston-on-Hull.

⁴ Cf. *Law Merchant*, Vol. II, p. cv.

⁵ See above, the case of *Goldington v. Bassingbourn* (pp. 26 and 97 sq.), and Introduction, p. xlviii.

⁶ Chancery Files (Statute Merchant and Statute Staple Certificates), G. 42. This is the original certificate produced in *Goldington v. Bassingbourn* from Chancery files.

him thirty and one pounds, sterling, which he owes to him, etc. And whereof he complains that on Monday next before the Feast of the Exaltation of the Holy Cross, in the 19th year, at Lynn, in the fair of the same, he bought from him stock-fish for 30*l.* and a hundred boards for 20*s.*, which sum amounts to the thirty-one pounds sterling aforesaid, and whereupon he was not to remove the aforesaid stock-fish and boards from their place until he had fully satisfied the merchant, [yet] the same Thomas departed by night with the merchandises aforesaid and took them away against the will of the aforesaid merchant, fleeing as far as S. Botolph, from S. Botolph to Lincoln, from Lincoln to Hull and from Hull to London, always promising that he had satisfied the same merchant (who thus pursued him from town to town) in respect of the thirty and one pounds, which he has not yet paid to him, as it is said, but has hitherto detained them from him, whereby he says that he is the worse and has loss to the value of 20*l.* And this he is prepared, etc.

And the aforesaid Thomas comes and defends force and injury and whatever, etc. ; and that he bought not stock-fish nor boards from him in the fair of Lynn, as it is imputed to him, whereby he can be bound to him in the aforesaid thirty and one pounds, nor in any penny thereof; he is ready to aver by the country, etc. And Arnold likewise, by the merchants then being in the fair aforesaid, etc. And there is to be talk with the aldermen and consultation upon an averment of that sort until the Sabbath day, etc. And the same day is given to the parties, etc.

At which day the same Thomas refused to put himself upon the merchants then present in the fair aforesaid, etc. Therefore he remains, etc.

[*Indorsed*] Before the lord King and his Council, as reported by Ralph of Sandwich.

V.

(1) To the reverent father in Christ, his lord lord John, by the grace of God bishop of Chichester, chancellor of the illustrious King of England, his John le Gras, mayor of Winchester, and Adam Poveray, sworn clerk, appointed for taking recognizances of debts at Winchester, greeting with all reverence and honour. We signify to your reverent paternity and lordship by the presents that Ralph le Gras, knight, of the county of Essex, came of late before Adam of Northampton and John de Aune, then clerk, appointed to take the aforesaid recognizances and recognized that he owed to Richard le Gras, his brother,

mille et tricentas libras sterlingorum, solvendas eidem Ricardo terminis subscriptis, videlicet, ad festum Sancti Michaelis, anno regni regis Edwardi, filii regis Henrici, vicesimo quinto, tricentas et quinquagintas libras; ad festum Nativitatis Domini proximo sequens, tricentas et quinquagintas libras; ad festum Pasche proximo sequens tricentas et quinquagintas libras; ad festum Nativitatis Sancti Johannis Baptiste proximo sequens, ducentas et quinquagintas libras, sine dilacione; et nondum ei solvit, ut dicit.

Paternitati et dominacioni vestre reverende supplicamus per presentes quatinus scribere jubeatis vicecomiti Essexie ut predictum Radulfum ad solucionem predictam faciendam, juxta formam statuti domini Regis apud Acton Burnel editi, compellat. Valeat paternitas et dominatio vestra per tempora longiora.¹

¹ Only a fragment of one seal remains attached.

one thousand and three hundred pounds sterling, to be paid to the same Richard at the terms written below, namely, at the Feast of S. Michael in the twenty-fifth year of the reign of King Edward, son of King Henry, three hundred and fifty pounds; at the Feast of the Nativity of Our Lord next following, three hundred and fifty pounds; at the Feast of Easter next following, three hundred and fifty pounds; at the Feast of the Nativity of S. John the Baptist next following, two hundred and fifty pounds, without delay; and he has not yet made payment to him, as he says.

We supplicate your reverent paternity and lordship by the presents that you will order a letter to be written to the sheriff of Essex that he is to compel the aforesaid Ralph to make the payment aforesaid according to the form of the lord King's Statute put forth at Acton Burnell. May your paternity and lordship fare well throughout longer times.

.
¹ (2) 1302, Jan. 28. To Petronilla, late wife of Adam of Northampton to deliver the greater part of the merchants' seal at Winchester to Richard Gabriel, mayor of Winchester, and the smaller part to John de Aune, clerk there, both pieces being in her custody. Order to the said mayor to receive the said piece and to execute that office with the said John in accordance with the Statute.

² (3) Edward II to the Treasurer and Chamberlains of the Exchequer. Bartholomew de Tytyng,³ John de Froyle, chaplain, and Joan, widow of John de Tytyng, executors of the will of John de Tytyng, citizen of Winchester, have shown to the King that whereas Ralph de Gorges, knight, and Baldwin de Insula Veeta and Joan, widow of Baldwin de Insula, and Hugh Brayboef, knight, and Roger d'Audely acknowledged themselves bound to the said John de Tytyng at divers times and in divers sums of money before Laurenee de Aune, John de Tytyng, Roger Inkpenne and Roger le Longe, successively mayors of Winchester, and Adam Poveray, then clerk of the recognizances for debts according to the Statute of Acton Burnell, and the rolls of the same mayors and clerk being in the King's treasury by his command, for a certain reason,⁴ the said executors are unable to obtain execution of the same debts, the King orders the Treasurer and Chamberlains to search the above rolls and certify the King as to any entry of the above debts in order that he may cause the statutory procedure to be carried out. Witness, etc., at Westminster 22 Oct., 6 Edward II.

Extraets returned from the roll of recognizances of the time of Roger Inkpenne, beginning Monday in the Feast of Saint Laurence, 32 Edward I, also from the roll of Adam Poveray, keeper of the smaller piece of the seal and clerk for the recognizances of debts of the Statute lately issued at Acton Burnell, taken in the first year of Edward II, before Roger le Lunge and Adam Poveray.

¹ Close Roll, Edward I, m. 17 (*cf.* Cal. Pat. 30 Edw. I, p. 9).

² Chancery Files (Statute Merchant and Statute Staple Certificates), G. 42.

³ *Cf.* Woodward, *Hampshire*, ii, p. 375.

⁴ *Cf.* p. 102, ll. 14-16, and below, No. (5).

¹ (4) Edwardus Dei gratia Rex Anglie Dominus Hibernie et Dux Aquitanie, Thesaurario et Camerariis suis salutem. Cum Stephanus Loneris de Tudderley et Stephanus Russel de Wyntoniam anno domini Edwardi quondam Regis Anglie, patris nostri, tricessimo quarto, coram majore civitatis Wyntonie et tunc clerico ejusdem patris nostri ad recogniciones debitorum iuxta formam Statuti pro mercatoribus editi apud Wyntoniam accipiendas deputatis, recognovissent se debere Johanni de Vienna centum libras, quas ei solvisse debuerunt terminis iam diu est preteritis; nos volentes prefato Johanni in hac parte pro debito suo recuperando subvenire, vobis mandamus quod, scrutatis rotulis hujusmodi recognicionum in villa predicta anno predicto factarum, qui sunt in Thesauraria nostra sub custodia vestra, ut dicitur, tenorem recognicionis predictæ nobis, sub sigillo Scaccarii nostri, distincte et aperte, sine dilacione mittatis et hoc breve. Teste me ipso apud Westmonasterium, xvij^{to} die Junii anno regni nostri decimo nono.

[*Annexed*] Memorandum quod die Lune proxima ante festum Sancte Cecilie Virginis, anno regni Regis Edwardi xxxiiij^{to}, Johannes de Tyting major Wintonie recepit de Laurencio de Donne sigillum de Statuto de consignandis debitis Wyntonie.

Memorandum quod Stephanus Loneris de Tuderlegh et Stephanus Russel de Wyntoniam venerunt die Jovis proxima post festum Sancte Agathe virginis anno regni Regis Edwardi xxxiiij^{to} et recognoverunt se debere Johanni de Vienna centum libras, solvendas ad Nativitatem Sancti Johannis Baptiste proximo sequentem, etc.

² (5) Edwardus, Dei Gracia Rex Anglie [*etc.*], Thesaurario et Camerariis suis, salutem. Cum Rogerus de Pedewardyn', Petrus le Blount et Johannes le Tawyere anno regni domini Edwardi quondam Regis Anglie, patris nostri, tricesimo tercio, coram tunc majore et clerico ad recogniciones debitorum apud Wyntoniam deputatis, recognoverunt se, et quemlibet eorum insolidum, debere Ricardo de Barton, quondam persone ecclesie Suthwarneburne, centum solidos, certis terminis eidem Ricardo sub poena Statuti dudum pro mercatoribus editi solvendos. Ac licet termini in dicta recognicione contenti jam diu est sint transacti, idem tamen Ricardus in vita sua, seu executores sui post mortem suam, pro eo quod rotulos predictorum majoris et clerici de anno predicto in thesaurariam nostram certis de causis venire fecimus, solutionem pecunie predictæ virtute dictæ recognicionis nondum sunt assecuti. Nos igitur super tenorem recognicionis predictæ plenius certiorari et prefatis executoribus quod justum fuerit fieri volentes, in hac parte, vobis mandamus quod, scrutatis rotulis predictorum majoris et clerici de anno predicto, qui

¹ Chancery Files G (Statute Merchant and Statute Staple Certificates) [449].

² Ibid.

Acknowledgments by all the above-named petitioners are certified, with a note that in these rolls no entry has been found of any debt acknowledged by Baldwin de Insula himself, as supposed in the writ.

(4) Edward, by the grace of God King of England [*etc.*], to his Treasurer and Chamberlains of the Exchequer, greeting. Whereas Stephen Loncras of Tudderley and Stephen Russel of Winchester in the thirty-fourth year of the lord Edward, sometime King of England, our father, before the mayor of the city of Winchester and the then clerk of our same father, appointed to take recognitions of debts according to the form of the Statute for merchants put forth at Winchester, had recognized that they owed to John of Vienne one hundred pounds which they ought to have paid to him at terms now long past. We willing to assist the before-mentioned John in that behalf for recovering his debt, command you that after examining the rolls of the recognizances of this kind in the town aforesaid for the year aforesaid which are in our Treasury under your custody, as it is said, you do send to us without delay the tenor of the recognizance aforesaid, under the seal of our Exchequer, distinctly and openly, and this writ. Witness myself at Westminster, the 18th day of June in the nineteenth year of our reign.

[*Annexed*] Be it remembered that on Monday next before the Feast of S. Cecilia the Virgin, in the 34th year of the reign of King Edward, John de Tyting, mayor of Winchester, received of Lawrence de Donne the seal of the Statute for sealing debts at Winchester.

Be it remembered that Stephen Loncras of Tudderley and Stephen Russel of Winchester came on Thursday next after the Feast of S. Agatha the Virgin in the 34th year of the reign of King Edward and acknowledged that they owed to John of Vienne one hundred pounds to be paid at the Nativity of S. John the Baptist next following, etc.

(5) Edward, by the grace of God King of England [*etc.*], to his Treasurer and Chamberlains, greeting. Whereas Roger of Pedwardin, Peter le Blount and John the Tawer in the thirty-third year of the reign of the lord Edward, sometime King of England, our father, before the then mayor and clerk appointed for recognitions of debts at Winchester, recognized that they, and each of them, solidarily owed to Richard of Barton, sometime parson of the church of South Warnborough, one hundred shillings, to be paid to the same Richard at certain terms under the penalty of the Statute lately put forth on behalf of the merchants. And though now the terms contained in the said recognizance are long passed, yet the same Richard in his lifetime, or his executors after his death, did not obtain payment of the money aforesaid by virtue of the said recognizance inasmuch as for certain reasons we caused the rolls of the aforesaid mayor and clerk of the year aforesaid to come into our treasury. We, therefore, willing to be certified more fully upon the tenor of the recognizance aforesaid and that justice may be done to the before-mentioned executors in this behalf, command you that having scrutinized the rolls of the aforesaid mayor and clerk of the year aforesaid which

sunt in Thesauraria nostra sub custodia vestra, ut dicitur, tenorem recognitionis predictæ nobis sub sigillo Scaccarii nostri, sine dilacione mittatis, et hoc breve; ut, inspecto tenore supradicto, ulterius in premissis fieri faciamus quod de jure et secundum formam Statuti predicti fuerit faciendum.

Teste me ipso apud Westmonasterium xvij die Decembris, anno regni nostri quarto-decimo.

HAUVILL'

[*In schedule annexed*] Rotulus recognitionum tempore Laurencii de Aune, tunc majoris Wyntonie et Ade Poveray, civis ejusdem civitatis, incipiente die Veneris in festo Sancti Edmundi Regis et Martyris, anno regni Regis Edwardi xxxij incipiente.

¹ Memorandum quod dominus Rogerus de Pedewardyn, miles, in comitatu Suthantone, dominus de Suthwarneburn', Petrus de Blount et Johannes le Tawyere venerunt, die Dominica proxima ante festum Nativitatis Beate Marie anno regni Regis Edwardi xxxij, et recognoverunt se debere magistro Ricardo de Barton, rectori ecclesie de Suthwarneburn', e solidos sterlingorum [solvendis] eidem magistro Ricardo vel ejus attornato terminis subscriptis, videlicet, ad festum Sancti Michaelis proximo sequens, xxs., et ad idem festum Sancti Michaelis proximo sequens, anno revoluto, xxs. Et sic de anno in annum infra tres annos sequentes ad idem festum Sancti Michaelis, xxs., quousque predicto magistro Ricardo de predictis centum solidis plenarie fuerit satisfactum.

[*Indorsed*] Suthantona—Coram Rege

¹ This would appear to be the original return to the Chancery in the form of an official memorandum.

are in our Treasury under your custody, as it is said, you shall send us without delay the tenor of the recognizance aforesaid under the seal of our Exchequer, and this writ; that having inspected the tenor aforesaid we may cause to be done further in the premises what of right and according to the Statute aforesaid ought to be done.

Witness myself at Westminster, the 18th day of December in the fourteenth year of our reign. HAUVILLE.

[*In schedule annexed*] Roll of recognizances in the time of Laurence de Aune, then mayor of Winchester, and of Adam Poveray, citizen of the same city, beginning on Friday in the Feast of S. Edmund King and Martyr, at the commencement of the 33rd year of the reign of King Edward.

Be it remembered that Sir Roger de Pedewardyn, knight, in the county of Southampton lord of South Warnborough, Peter de Blount and John the Tawer came on the Sunday next after the Feast of the Nativity of the Blessed Mary in the 33rd year of the reign of King Edward and recognized that they owed to Master Richard of Barton, parson of the church of South Wanborough, one hundred shillings sterling to be paid to the same master Richard or to his attorney at the terms under-written, namely, at the Feast of S. Michael next following, 20s.; and at the same Feast of St. Michael next following one year later, 20s.; and so from year to year during the three years following, at the same Feast of S. Michael, 20s., until the aforesaid master Richard shall have been fully satisfied in respect of the aforesaid 100s.

[*Indorsed*] Southampton—Before the King.

VI.

¹ PROCEEDINGS RELATING TO AN INQUIRY AS TO THE REGULATION OF THE NORFOLK HERRING FISHERY AND EXTORTIONS OF LOCAL COMMISSIONERS (1356-1357).

² The writs by which the proceedings recorded in this roll originated are entered in the Patent and Close Rolls of the 30th and 31st years of Edward III (1356-1357) in the form of commissions to certain justices to hold an inquiry as to the administration of the Yarmouth herring fishery and the working of the recent statute ³ and ordinances.⁴ It would appear from the Chancery Rolls that the inquiry and the proceedings thereon were also concerned with proclamations for regulating the fishery, and the texts of the regulations have been preserved.⁵ The practice of forestalling and ingrossing herring was a subject

¹ Assize Roll 610 A.

² Pat. 31 Edward III, Pt. 2, m. 20, 10 July 1357 (*Cal. Pat.* p. 574); Pat. 31 Edward III, Pt. 3, m. 7d, 14 November 1357 (*Cal. Pat.* p. 654). The date in the Assize Roll transcript is 16 November.

³ 31 Edward III, Stat. ii.

⁴ Cf. J. F. Baldwin, *King's Council* (1913), p. 272 sq.

⁵ Parl. Petitions 9047 (*Jeake's Dover Charters*, p. 18).

(5) ¹ xij juratores ville Magne Jernemuthe presentant quod Johannes Elys, Ricardus de Beketon', Nicholaus de Suthfeld, Galfridus Elys, Petronilla Fastolf (*per attornatum Ricardi Bacoun*), Alexandrus de Beverle, . . . Johannes de Beverle, Hugo Fastolf, Ricardus de Beverle, Bartholomeus de Drayton, . . . Petrus Cressy (*per attornatum Hugonis fratris sui*), Thomas Fastolf, Galfridus de Drayton, Willelmus Childerhous, . . . Johannes filius Stephani de Drayton, Stephanus de Stalham, Johannes de Thorp, . . . Henricus de Catefeld (*non in patria*), Johannes de Rystone, Willelmus Colyn (*non in patria*), Thomas Tobald . . . Thomas de Beverle (*per attornatum Ricardi Beverley*), Thomas Stace et Johannes Cok et Johannes Elys junior. . . .

(6) ² Nomina eorum qui perturbati fuerunt emere allec apud feriam de Jernemutha per homines ejusdem ville.

(8) ³ Dicunt quod culpabiles [sunt] in parte et in parte non culpabiles prout patet in billa indictamenti.

(9) Juratores dicunt quod Willelmus Bisshop venit apud Jernemuth citra festum Sancti Michaelis anno xxxj^o et fecit intellegere hominibus de Jernemutha, et aliis apud feriam ibidem existentibus, quod statuta et ordinationes de alece nuper per Regem et Consilium suum nuper ⁴ facta fuerunt adnullata, ita quod posset allec emere et vendere ad voluntatem suam, ad

¹ In this list of persons indicted for 'extortion,' etc., the words interlined are printed in italics. Some of the names are over-written with a cross and others with a dot, perhaps indicating appearances and defaults respectively. Some others appear by attorney, and one is not found.

² Note written below a list of the names of eight merchants.

³ This verdict is written underneath a jury list. The note in italics may be, like a similar note below (No. 9), an expression of local opinion, or the official report of 'no true bill.' Elsewhere we find (in No. 2 of file) three jury lists headed, respectively, 'Aquiteurs' (seventeen names) and 'Enditeurs' (thirteen names).

⁴ Sic.

of national importance which is dealt with in earlier and later records, and which reaches a climax twenty years later in a case before the King's Council.¹ And there was another and more obscure subject of inquiry which is rather vaguely referred to as 'prises' and 'extortions,' which were apparently connected with requisitions made for materials or labour for the King's ships.²

The proceedings relating to the regulation of the herring fishery, with which the pleadings printed below are only incidentally concerned, are originated by the King's writs close to the bailiffs of Yarmouth and the Barons of the Cinque Ports, respectively, of which transcripts are preserved here; but as these, like the above-mentioned commissions, are now fully calendared³ and are somewhat mutilated, they have been omitted from the specimens of the original bills printed below (Nos. 5-10 and 15).

.
(5) 12 jurors of the town of Great Yarmouth present that John Elys, Richard of Beckton, Nicholas of Southfield, Geoffrey Elys, Petronilla Fastolf (*by her attorney Richard Bacoun*), Alexander of Beverley, . . . John of Beverley, Hugh Fastolf, Richard of Beverley, Bartholomew of Drayton, . . . Peter Cressy (*by Hugh, his brother and attorney*), Thomas Fastolf, Geoffrey of Drayton, William Childerhous, . . . John, son of Stephen of Drayton, Stephen of Stalham, John of Thorpe, . . . Henry of Catfield (*not in the country*), John of Ryston, William Colyn (*not in the country*), Thomas Tobald, . . . Thomas of Beverley (*by Richard [of] Beverley, his attorney*), Thomas Stace and John Cok and John Elys the younger. . . .

(6) Names of those who were perturbed from buying herring at the fair of Yarmouth by the men of the same town.
.

(7) Appointment of attorneys by Thos. Fastolf, Peter Fastolf, and Thos. of Beverley against the lord King in reply to a charge of extortion. Attached to this is another schedule (not numbered) notifying that William Bisshop and four of those indicted above are premonished to be before the King's Council in the Octaves of S. Hilary.

(8) They say that they [are] in part guilty and in part not guilty, as appears in the bill of indictment.

(9) The jurors say that William Bisshop came to Yarmouth about the Feast of S. Michael in the 31st year and made the men of Yarmouth, and others being at the fair there, to understand that the statutes and ordinances concerning herring lately made by the King and his Council were annulled, so that men might buy and sell herring at their will, to the great loss of the

¹ J. F. Baldwin, *Selden Soc.*, vol. xxxv (1919), pp. lxxxix sq. and 60 sq.

² *Cf. Pat. 30 Edward III, Pt. 2, m. 20 (Cal. Pat. p. 406).*

³ Above p. 179, n. 2, and *cf. Cal. Close, passim.*

magnum dampnum populi Regis :—ante festum Sancti¹ Luce allec recens iiijl. ; allec siccum, viij marciz et dimidiam.²

Juratores dicunt quod omnes qui pendunt allec offendebant ordinaciones et statuta in omni ejus articulo.

Non vera

(10) Juratores presentant quod Willelmus Bisshop' assignatus fuit per commissionem lanarum in comitatu Norfolcie (xls. per extorsionem). Idem Willelmus in cessione sua apud Jernemutham [in] anno xxviiij gravavit Galfridum Fordele de frumento, per ipsum empto, contra pacem ; ita quod per terrorem ipsius Willelmi idem Galfridus fecit finem cum eo de cs. ; ubi idem Galfridus non fuit indictatus. Et de Reginaldo Lawes (vjs. per extorsionem)³ pro auc[is] anno xxix°. De Thomas Baa, x[iiijs.] (vjs. per extorsionem). De Willelmo Berd, iiijl. De Petro Ressler xxxs. (vjs. per extorsionem).³ De Thomas Wryghte xxxs. (vjs. per extorsionem).³ De Willelmo Richeman, anno predicto, xs. in sessione sua anno xxix° apud Jernemutham et alibi in comitatu Norfolcie.

[*Indorsed*] Dicunt non culpabiles ; et [de] hoc ponunt se : idem omnes : set dicunt quod habuit sub pede sigilli de Scaccario domini Regis, ad levandum fines, etc., cum Rog[ero] Verly ; propter insufficienciam vicecomitis, per commissionem, etc., ad summam ij^c librarum.⁵

(15) ⁴ [Willelmus] de Scharesnull' et socii sui . . . Northfolch, audiendum et terminandum assi[gnati] . . . [venire] faciatis coram nobis apud J[er]nemuthe] Magnam . . . Martiris viginti et quatuor in [uno pan]ello. . . ⁵

VII.

INQUISITION TO ASCERTAIN THE STOCKS OF GRAIN AVAILABLE FOR MARKETS IN THE HUNDRED OF DOWNTON, WILTS (1357).

⁶ Veredictum Hundredi de Downton'.

Inquisicio capta apud Sarisbiriā die Lune proxima ante festum Annunciationis Beate Marie anno regni Regis Edwardi nunc xxxj°, coram Johanne de la Roches et sociis suis justiciariis domini Regis, per sacramentum Johannis Dayn, Thome Trenchard, Johannis Downton', Ricardi Whythorn, Willelmi

¹ 'Sancte' in roll.

² A cursive note is appended by the scribe which might refer to the grievance of high prices.

³ The words in round brackets are written over certain names of offenders indicted, with cursive notes in the top and bottom margins as to the amount extorted.

⁴ No. 11 on this file is another indictment of William Bisshop for extortion from men of Holland and Zeeland which may partly account for the attacks made on English vessels trading off those coasts. No. 15 is an interesting document, badly damaged towards the right-hand membrane. It is dated 31 Edward III.

⁵ Almost illegible in the roll.

⁶ Miscellanea of the Exchequer, 5/1 (*cf.* above, p. 161 sq., and Introduction, p. xxxvi).

King's people.—Before the Feast of S. Luke, fresh herring 4*l.* ; dry herring 8 mares and a half.

The jurors say that all who weigh herring offended against the ordinances and statutes in every article thereof.

Not a true [bill]

(10) The jurors present that William Bissshop was appointed by a commission of wool in the county of Norfolk (40*s.* by extortion). The same William in his session at Yarmouth in the 28th year aggrieved Geoffrey Fordel in respect of wheat bought by him, against the peace ; so that for terror of him, William, the same Geoffrey made fine with him for 100*s.* ; where the same Geoffrey was not indicted. And from Reginald Lawes, 6*s.* by extortion, for geese, in the 29th year. From Thomas Baa, 14*s.* (6*s.* by extortion). From William Berd, 3*l.* From Peter Ressler, 30*s.* (6*s.* by extortion). From Thomas Wright, 30*s.* (6*s.* by extortion). From William Richeman in the year aforesaid, 10*s.* ; in his session in the 29th year at Yarmouth and elsewhere in the county of Norfolk.

[*Indorsed*] They say they are not guilty, and of this they put themselves [*etc.*] : the same do all ; but they say he had under the foot of the seal of the Exchequer of the lord King [a commission] for levying fines, etc., with Roger Verly because of the insufficiency of the sheriff, after the commission, to the amount of 200 pounds.

.
(15) William de Scharesnull' and his fellows . . . [appointed] to hear and determine . . . [in] Norfolk, you are to make [to come] before us at Great Yarmouth. . . . Martyr . . . in [one pan]cl. . . .

VII.

Verdict of the Hundred of Downton.

Inquisition taken at Salisbury on Monday next before the Feast of the Annunciation of the Blessed Mary, in the 31st year of the reign of the now King Edward, before John de la Roche and his fellows, justices of the lord King, by the oath of John Dayn, Thomas Trenchard, John Downton, Richard

Harnham, Johannis Mossel, Ade Muge, Simonis Clerk', Johannis le Mere, Radulphi Loveryng, Thome Fotour, Johannis Mouster, juratorum. Qui dieunt quod in villatis de Cnoel et Hynedon' :

Cnoel et Hynedon' : Emptores de Cnoel et Hynedon' :¹

Johannes Houpere, j quarterium
 Johannes Hogeman, vj qra.
 Walterus Golleye, ij buselli
 Cristina Boys, ij bus.
 Egidius Harewhy't, ij bus.
 Johannes Smyth, j qrm.
 Walterus Paueok', j qrm.
 Johannes Warman, 1 qrm.
 Jacobus Luysthele, 1 qrm.
 Johannes Webbe, dimidium quarterium
 Johannes Hunte, di. qrm.
 Walterus in le Mersshe, di. qrm.
 Johannes Petyt, di. qrm.
 Johannes Atte Yete, iij bus.
 Robertus Godeman, ij bus.
 Johannes Jay, di. qrm.
 Johannes Willames, ij bus.
 Willelmus Jackes, ij bus.
 Johannes le Reve, ij bus.
 [and 27 others, with 10 quarters down to 2 bushels].

Venditores de Cnoel et Hynedon'

Walterus Aylward, iij quarteria
 Thomas Turk', vj qria.
 Willelmus Holdweye, vj qria.
 Willelmus Episcopus Wintoniensis, c qria.
 Adam Dychampton, rector de Cnoel, xx qria.

Emptores et Venditores de Cnoel et Hynedon'

Jacobus Coleman, x qria.
 J. Mossel, senior, herbi[n]ger
 [and 25 others (including Johannes Wyke, chaplain), from 12 qrs. down to half a quarter.]

In Villata de Fontel :—Venditores de Funtel, videlicet :

Episcopus Wyntoniensis, xl quartoria
 Rector Eeelesie de Fontel, xij qria.
 Walterus Wylkynes, dimidium quarterium
 Thomas Wylkynes, ij qria.
 Johannes Oxenham, [j qrm.]
 Robertus Stupel, iij qria.
 Johannes Sehove, 1 qrm.
 Willelmus Straunge, ij qria.
 Walterus Ingham, vj qria.
 Johannes Chipman, di. qrm.
 Robertus Helyere, di. qrm.
 Ricardus Elys, Capellanus, x qria.
 Johannes Baylyf, di. qrm.

Emptores de Funtel.

Alieia Hardyngh, ij bus.
 Robertus Helyer, ij bus.

[After Fonthill comes the villate of Bishopstone, where the bishop has 60 qrs. and the rector (Lambert) as much, with oier sellers (2 bushels and upwards). Also one buyer and seller (half-quarter). The villates of Netton and Croucheston follow with 18 sellers (from 1 quarter to 2 bushels). Then Faulston and Flamberstone (? Hamston) buyers (with small stocks) and sellers (with 5 to 10 quarters).

On the dorse is a very interesting list of buyers and sellers in the boroughs of Downton and Hindon.]

¹ In the record the names and quantities are entered in double columns, with the headings of each villate and class of trader alongside. These headings have been printed above the several groups.

Whythorn, William Harnham, John Mossel, Adam Muge, Simon Clerk,
John le Mare, Ralph Loveryng, Thomas Fotour, John Mouster, jurors.
Who say that in the villates of Knowle and Hindon :

Buyers of Knowle and Hindon.

John Hooper, 1 quarter
John Hogman, 6 qrs.
Walter Golley, 2 bushels.
Christina Boys, 2 bus.
Giles Harewhyte, 2 bus.
John Smyth, 1 qr.
Walter Pocock, 1 qr.
John Warman, 1 qr.
James Luysthele, 1 qr.
John Webb, half a quarter
John Hunt, half a quarter
Walter in the Marsh, half a quarter
John Petyt, half a quarter
John At-the-Gate, 3 bushels
Robert Goodman, 2 bus.
John Jay, half a quarter
John Williams, 2 bus.
William Jackes, 2 bus.
John the Reeve, 2 bus.
· · · · ·

Sellers of Knowle and Hindon.

Walter Aylward, 3 quarters
Thomas Turges, 6 qrs.
William Holdway, 6 qrs.
William, Bishop of Winchester,
100 qrs.
Adam of Ditchampton, rector of
Knowle, 20 qrs.

Buyers and Sellers of Knowle and Hindon.

James Coleman, 10 quarters
John Mossel the Elder, innkeeper¹
· · · · ·

**In the Villate of Fonthill, namely,
Sellers of Fonthill.**

The Bishop of Winchester, 40
quarters
The rector of Fonthill, 12 quarters
Walter Wilkins, half a quarter
Thomas Wilkins, 2 quarters
John Oxenham, 1 quarter
Robert Stupel, 3 qrs.
John Shove, 1 qr.
William Strange, 2 qrs.
Walter Ingham, 6 qrs.
John Shipman, half a quarter
Robert Helyer, half a quarter
Richard Ellis, chaplain, 10 qrs.
John the Bailiff, half a quarter

Buyers of Fonthill.

Alice Harding, 2 bushels
Robert Helyer, 2 bushels¹
· · · · ·

¹ See opposite.

VIII.

¹ THE PROCEDURE IN A WATER-BAILIFF'S COURT (1419).

Court of the water bailiff of Dartmouth held there on 29 November 7 Henry V, before William Glover, water bailiff: on which day, in full court, before the bailiff aforesaid sitting as a tribunal, came a certain William Mountfort, of Bridport, merchant, and a certain Richard Row, of Dartmouth, merchant, affirming by their several allegations that a certain Robert Maundevil of Dartmouth, now deceased, was indebted to them, respectively, in the sums of 120*l.* and 14*l.* 10*s.* for merchandise bought by him, and applying for all the goods of the deceased within the jurisdiction of the court to be arrested and kept until the pleadings 'according to the law and custom of the court' were lawfully determined. Whereupon the water bailiff ordered the sub-bailiff and [marsh]al of the court and the clerk of the court to arrest all the goods of the deceased within the jurisdiction as above and to certify their proceedings therein on Monday following, at the first hour and first tide, in the court aforesaid at the accustomed place; which day and tide were given to the complainants.

At the day mentioned it was certified that the deceased was possessed of a ship (the 'S. Mary' cog) with all the sailing tackle appertaining thereto and other goods, viz. 1200 'wenshot' boards, 112 planks, 4 lasts of pitch and 4 lasts of tar, [2 lasts] of wood ashes, 1000 of 'claphold,' 27 petty masts and 7 great masts, and no more within the jurisdiction.²

The complainants present themselves ready to prove, compute, and find pledges. Adjournments follow, and proclamation is made for any persons wishing to say or allege anything for themselves or on behalf of the deceased to appear at a given day and tide.

Thereupon the complainants make a formal statement of claim and proffer documentary proof in the form of a writing obligatory. They also produce fit and sufficient witnesses and they present a bill to the bailiff in these words:

m. 81.

'Before you, water bailiff of Dartmouth, Richard Row, merchant, in the matter of the goods which of late were the said Robert's on the day of his death, by force of an arrest of the court, which the said Robert wrongfully detains from him and does not render to him 14*l.* 10*s.* sterling which he owed to him and which the said Robert a long time before his death ought to have paid to the said Richard and has not paid, but detained them and still detains them wrongfully and to his damage, 20*l.*'

And hereupon the same Richard there showed before the same bailiff in the [first]³ court a writing obligatory for 110*l.* made thereof by the aforesaid Robert to the same Richard and testifying the said sum of 14*l.* 10*s.* sterling to be due to the same Richard, acknowledging that he has been paid for the residue or surplus of the said 110*l.* beyond the said sum of 14*l.* 10*s.*, which writing in itself was not vitiated, erased nor in any

¹ Chancery Miscellanea, 55/3, m. 81-82. This record is very diffuse and only a brief abstract could be attempted here.

² See Subject Index.

³ Illegible.

part suspect. And likewise the same Richard, according to the law and custom aforesaid, then and there produced suitable and sufficient witnesses, who likewise pledged their faith that the aforesaid sum of 14*l.* 10*s.* was and is . . .¹ Whereupon the same Richard asks that . . .¹ according to the law and custom aforesaid may be appraised and so appraised . . .¹ quantity of the value of the same be delivered to him. And hereupon merchants of Dartmouth are assigned, according to the law and custom aforesaid, who appraised, on oath, all the said goods so arrested; namely the said ship, 80*l.*, of which one eighth part belongs to John Stanbury as the true possessor; 1200 'wain-shot,' each hundred at 32/4; 112 planks at 11*d.* apiece; 4 lasts of pitch at 8*l.*; 4 lasts of tar at 8*l.*; 2 lasts of wood ashes at 4*l.*; 1000 of 'clapholt' at 5*s.* 8*d.*; 28 pieces of masts at 9*l.* 6*s.* 8*d.*; 7 greater masts at 21*l.*; which goods aforesaid of the same deceased extend in all to the sum before mentioned of 145*l.* 16*s.* Whereupon the bailiff, then and there sitting for a tribunal in the court aforesaid, took the sum and rendered judgment thereof, according to the law and custom of the court aforesaid, namely that the aforesaid William Mountfort should recover and have possession in execution of his debt aforesaid in the ship aforesaid [38 . . .] and in other goods aforesaid, namely in pitch, tar, planks, masts and 'clapholt,' 58*l.* 6*s.* [8] and that Row should recover and have possession of the following goods (in execution of the debt) namely, boards, pitch, tar, planks, masts and 'clapholt,' separately appraised aforesaid, at the values aforesaid. The same bailiff . . .¹ by having possession thereof for a year and day next following, answering therefor to any owner who shall wish to claim them; and otherwise, if none shall have claimed the goods aforesaid within that time, then all such goods to remain to the said William and Richard to have to them severally as is aforesaid as their own proper goods for ever.

To which answers, to be made thereof to any owner wishing to claim these goods, or part of them, in case the said William or Richard or either of them should happen to be adjudged in the court aforesaid to make restitution of the same goods at the suit of any owner so claiming the same, the same William Mountfort finds the pledges aforesaid, namely. . . . In witness of all and singular whereof, the seal of office of the same William Glover, water bailiff, is appended to these presents. Dated at Dartmouth, the aforesaid Friday in the seventh year of the reign of King Henry, the Fifth after the Conquest.

¹ Illegible.

TABLE OF STATUTES¹

Statutes of :

- 3 Edward I (1275), cc. 4, 7, 19, 23, 26, 30, 31, 32, 35 (Statute of Westminster I).
- 11 Edward I (1283), Statute for Merchants made at Acton Burnell.
- 12 Edward I (1284), cc. 6, 8, 9, 10, 14 (Statute of Wales).
- 13 Edward I (1285), Statute of the Merchants made at Westminster.
- 13 Edward I (1285), c. 18 (Statute of Westminster II²).
- 25 Edward I (1297), cc. 8, 19, 30 (*Confirmatio Cartarum*).
- 28 Edward I (1300), cc. 2, 3, 12 (Purveyance).
- 3 Edward II (1309), Stamford (Purveyance and Household Court).
- 5 Edward II (1311), Ordinances, c. 33.
- 15 Edward II (1322), Revocation of New Ordinances.
- 1 Edward III (1326/7), Stat. i, c. 3 (Duress); c. 5 (False returns); c. 9 (Civic liberties); Stat. ii, c. 3 (Debts of Jews).
- 2 Edward III (1328), cc. 5, 9, 11, 14, 15 (Statute of Northampton).
- 4 Edward III (1330), cc. 3, 4 (Purveyance); c. 7 (Executors); c. 12 (Assize of Wine).
- 5 Edward III (1331), c. 2 (Purveyance); c. 5 (Close of fairs).
- 9 Edward III (1335), Stat. i, c. 1 (Free trade); c. 3 (Executors); c. 4 (Inquisitions of deeds). Stat. ii, c. 6 (Shippers); c. 11 (Hostelers).
- 10 Edward III (1336), Stat. ii, c. 2 (Purveyance).
- 14 Edward III (1340), Stat. i, c. 3 (King's debtors); c. 11 (Clerks of Statutes Merchant); c. 12 (Standards); c. 19 (Purveyance). Stat. ii, c. 2 (Ancient liberties saved).
- 18 Edward III (1344), Stat. ii, c. 3 (Free trade).
- 25 Edward III (1351), Stat. iii, c. 1 (Aulnage); c. 2 (Open markets); c. 3 (Forestallers). Stat. v, c. 1 (Purveyance); c. 5 (Executors); c. 9 (Weights); c. 10 (Measures); c. 15 (Sales of wool); c. 17 (Process for debt); c. 19 (King's debtors); c. 21 (Butlerage); c. 23 (Debts of Lombards).
- 27 Edward III (1352), Stat. i, c. 4 (Aulnage); cc. 5-8 (Gascon wine trade). (1353), Stat. ii, Ordinance of the Staples.
- 28 Edward III (1354), c. 10 (City of London); c. 12 (Purveyance); cc. 13-15 (Staple).

¹ Some of these statutes are referred to in the cases, or may be usefully referred to for various matters; but the list is by no means exhaustive. Among these the texts of the Statutes of 1283, 1284 and 1285, and of the Ordinances of 1311 and 1353 should be carefully studied, with their interpretations by Sir William Holdsworth, Professor Jenks and Professor Plucknett. The later Acts, from 1532 to 1722, have been briefly summarized below (pp. 125-132) in order to elucidate the devolution of Statutory Recognizances and Annuities.

² *Elegit*, etc. The forms of writs included in these early statutes should be noticed.

- 31 Edward III (1357), Stat. i, c. 10 (Victuals); c. 11 (Intestate estates).
Stat. ii, c. 1 (Herring fishery ¹). Stat. iii (Salt fish). Stat. iv, c. 9
(Irish Staple); c. 19 (Clerk of the Market).
- 34 Edward III (1360), cc. 2-3 (Purveyance); c. 4 (Inquests); cc. 5-6
(Weights and Measures); c. 14 (Escheats).
- 36 Edward III (1362), c. 7 (Staple Courts).
- 37 Edward III (1363), c. 5 (Commissioners of Inquiry for Grocers); cc.
15-16 (for Drapers and Vintners); c. 18 (Suggestion to the King).
- 38 Edward III (1364), Stat. i, c. 2 (Free trade); c. 5 (London debt
process).
- 42 Edward III (1368), c. 4 (Commissions of inquiry); c. 7 (Open markets).
- 43 Edward III (1369), Staple removed to Calais.
- 51 Edward III (1377), c. 6 (Collusion of debtors).
- 1 Richard II (1377), c. 12 (Debtors ²).
- 5 Richard II (1381), c. 8 (Documents).
- 6 Richard II (1382), Stat. i, c. 2 (Debt).
- 12 Richard II (1388), c. 16 (Staple at Calais).
- 14 Richard II (1390), c. 1 (Staple in England).
- 15 Richard II (1391), c. 9 (Staple recognizances).
- 5 Henry IV (1403-4), c. 8 (Law); c. 12 (Recognizances).
- 10 Henry VI (1432), c. 1 (Staple recognizances).
- 11 Henry VI (1433), c. 10 (Sureties).
- 20 Henry VI (1442), c. 6 (Exportation of corn).
- 23 Henry VI (1445), Recital of Statutes.
- 4 Edward IV (1465), c. 2 (Staple Court).
- 23 Henry VIII (1532), c. 6 (Staple procedure reconstructed).
- 32 Henry VIII (1540), c. 3.
- 33 Henry VIII (1541), c. 39, s. XXXVI (Bonds to King).
- 34 & 35 Henry VIII (1543), c. 26, s. XXXIX (Process in Wales).
- 2 & 3 Edward VI (1549), c. 31 (Recognizances at Chester).
- 27 Elizabeth (1585), c. 4, ss. V-VII (Inrolment).
- 29 Elizabeth (1587), c. 4 (Costs).
- 21 James I (1623), c. 26 (Subornation).
- 12 Charles II (1660), c. 24, ss. XI, XII (Purveyance).
- 16 & 17 Charles II (1665), c. 5 (Delays).
- 29 Charles II (1677), c. 3, ss. XIV, XVII (Frauds).
- 3 George I (1717), c. 15, ss. III, XVII (Costs).
- 8 George I (1722), c. 25, ss. I-VI (Supplementary).³

¹ Cf. 35 Edw. III (1360).

² Cf. 2 Ric. II, Stat. ii, c. 2.

³ The 'Statutes of Uncertain Date' (*Statutes of Realm*, I. 198, etc.) have been omitted from this table; but the Assizes of Weights and Measures, the Judaism, etc., are of some importance.

SOME REFERENCES TO STATUTORY RECOGNIZANCES AND THE
LAW MERCHANT IN THE ROLLS OF PARLIAMENT (1275-1432).

<i>Date</i>	<i>Subject</i>	<i>Reference</i>
35 Edward I (1306)	<i>re</i> Thomas Pyrecote	Vol. I, p. 196 (35)
8-9 Edward II (1316)	<i>re</i> Thomas de Newenham	p. 345 (31)
15-16 ——— (1321-2)	<i>re</i> Thomas de Asshewell	p. 403 (92)
	Limivation of Recognizances	p. 457 (35)
	Law Merchant at Lynn	p. 460 (3)
4 Edward III (1330)	<i>re</i> John de Boylaund	Vol. II, p. 32 (7)
8 ——— (1334)	Averment of Nonage	p. 37 (11)
	<i>re</i> John de Roges	p. 82 (41)
21 ——— (1347)	Statutes Merchant to be kept	p. 171 (55)
———	<i>re</i> John, son of John de Sutton	p. 176 (6)
——— (1347-8)	Extents of Statutes Merchant	p. 210 (20)
———	<i>re</i> Everard de Vresche	p. 211 (24)
———	<i>re</i> Robert de Plesingham	p. 223 (69)
25 ——— (1352)	Executors	p. 239 (x)
27 ——— (1353)	Statutes Staple	pp. 246-253
36 ——— (1362)	The same	p. 270 (xiv)
40 ——— (1366)	Proof of Age (Deceit)	p. 291 (14, 15)
5 Richard II (1381)	Remedy for writings destroyed	Vol. III, p. 114 (72)
13 ——— (1389)	<i>re</i> Adam Chaungeour	p. 258 (10)
———	Rebels bound over	p. 275 (8)
17 ——— (1393-4)	Exemption from forfeiture	p. 319 (33)
2 Henry IV (1400)	<i>re</i> John Clopton	p. 482 (8)
4 ——— (1403)	<i>re</i> Sir William Bouvyle	p. 520 (23)
5 ——— (1404)	Custody of records	p. 539 (60)
6 ———	Foreigners to be tried according to Law Merchant	p. 553 (43)
6 Henry VI (1427)	Jurisdiction of Staple courts	Vol. IV, p. 328 (ii)
10 ——— (1432)	Lancaster and the Statute Merchant	p. 415 (3)

REFERENCES TO CASES CONCERNING STATUTORY RECOGNIZANCES (1300-1350) PUBLISHED IN VARIOUS SERIES OF YEAR BOOKS (1866-1931).¹

Year Books of the Reign of Edward I. Edited by A. J. Horwood (Rolls Series), 1866, etc.

<i>Regnal Year</i>	<i>Term and Date</i>	<i>Reference</i>
20-21 Edw. I	Hereford Eyre (1291-1292)	p. 68
21-22 ———	Middlesex Eyre (1292-1293)	p. 458
30 & 31 ———	Mich. 30 Edw. I (1302)	p. 441
32 & 33 ———	Hil. 32 Edw. I (1304)	p. 70
—————	East. 33 Edw. I (1305)	p. 440
33-35 ———	Hil. 34 Edw. I (1306)	p. 126
—————	—————	p. 154
—————	—————	p. 292

Year Books of the Reign of King Edward II. (Selden Society.)

<i>Regnal year</i>	<i>Dominical year</i>	<i>No. in Year Book Series</i>	<i>No. of volume</i>	<i>Page</i>
1 & 2 Edw. II	1307-8/1308-9	i	XVII	92
2 & 3 ———	1308-9/1309-10	ii	XIX	67
3 & 4 ———	1309-10	iii	XX	46, 103, 113
	1310	iv	XXII	
4 Edward II	1310-11	vi	XXVI	127, 133, 147, 155, 183
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7 Edward II	1313-14	xvi	XXXIX	76
8 ———	1314-15	xvii	XLI	54
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¹ The above list is not by any means complete, as only certain aspects of the subject have been considered in the present work. Further references to pleadings on Statutes Merchant or Staple and Special Assizes, and to other maritime or mercantile inquisitions are printed in Selden Society Publications, Vols. XV, XVIII, XXI, XXIII, XXV, XXX, XXXV, XLVI.

**Year Books of the Reign of Edward III. Edited by A. J. Horwood
(Rolls Series), 1883.**

<i>Regnal Year</i>	<i>Term and Date</i>	<i>Reference</i>
11-12 Edward III.	Hil. 12 Edw. III (1338) East. _____	p. 400 p. 462

**Year Books of the Reign of Edward III. Edited by L. O. Pike
(Rolls Series), 1883.**

12-13 Edward III	Mich. 12 Edw. III (1338) Hil. 13 Edw. III (1339)	p. 52, No. 20 p. 78, No. 1 pp. 130, 354 p. 144, No. 39
_____	_____	p. 178, No. 7
_____	East. _____	p. 302, No. 7
_____	Trin. _____	p. 304, No. 8
_____	_____	p. 360, No. 48
13-14 _____	Mich. _____	p. 52, No. 23
14 Edward III	East. 14 Edw. III (1340) Trin. _____	p. 62, No. 31 p. 204, No. 12 p. 238, No. 24
_____	_____	p. 30, No. 7
14-15 Edward III	Mich. _____	p. 38, No. 13
_____	_____	p. 82, No. 34
_____	_____	p. 208, No. 86
_____	_____	p. 246, No. 101
_____	_____	p. 252, No. 106
_____	Hil. 15 Edw. III (1341)	p. 274, No. 10
_____	_____	p. 312, No. 25
_____	_____	p. 326, No. 32
_____	_____	p. 338, No. 34
_____	_____	p. 340, No. 35
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15 Edward III	East. _____	p. 4, No. 7
_____	_____	p. 44, No. 15
_____	_____	p. 74, No. 28
_____	_____	p. 130, No. 48
_____	_____	p. 164, No. 60
_____	Trin. _____	p. 178, No. 6
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_____	_____	p. 254, No. 36
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_____	_____	_____ No. 14
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16 Edw. III (Pt. 1)	Hil. 16 Edw. III (1342) East. _____	p. 98, No. 32 p. 146, No. 33 p. 228, No. 33
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16 Edw. III (Pt. 2)	Trin. _____	p. 60, No. 19
_____	_____	p. 163, No. 4
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16 Edw. III (Pt. 2)	Mich. 16 Edw. III (1342)	p. 438, No. 46
		p. 480, No. 58
	Hil. 17 Edw. III (1343)	p. 38, No. 10
		No. 11
	East. —————	p. 362, No. 24
		p. 436, No. 32
	Trin. —————	p. 478, No. 6
		p. 484, No. 9
		p. 576, No. 32
		p. 582, No. 38
17-18 Edward III	Mich. —————	p. 80, No. 18
		p. 410, No. 114
	Hil. 18 Edw. III (1344)	p. 596, No. 35
	Trin. —————	p. 306, No. 17
		p. 330, No. 21
		p. 418, No. 50
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18-19 Edward III	Mich. —————	p. 64, No. 18
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		p. 360, No. 90
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	Hil. 19 Edw. III (1345)	p. 408, No. 7
		p. 442, No. 18
		p. 552, No. 49
19 Edward III	East. —————	p. 94, No. 32
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	Mich. —————	p. 310, No. 4
		p. 400, No. 46
19-20 Edward III (Pt. 1)	Hil. 20 Edw. III (1346)	p. 92, No. 26
		p. 258, No. 34
		p. 428, No. 70
20 Edw. III (Pt. 2)	Trin. —————	p. 88, No. 57
		p. 146, No. 67
		p. 172, No. 6
		p. 520, No. 99

Year Books of the Reign of King Richard II.¹ (Ames Foundation.)

12 Richard II	1388-1389	pp. 2, 6, 22, 44, 61, 81
13 Richard II	1389-1390	pp. 20-22, 96

Year Books of the Reign of King Edward IV.² (Selden Society.)

¹ In progress.

² In progress. Cf. *Law Merchant*, Vol. II, pp. lxxxv-vi. Among the cases of which reports have been printed in the Black Letter edition, is Debenham's, attributed to Mich. 15 Hen. VII (1499), No. 7 (ed. Tottel, 1585). For further references see Plucknett, T. F. T., 'Interpretation of Statutes,' FitzHerbert, 'Abridgement,' and Bolland, W. C., 'The Year Books.' (*passim*).

SOME JUDICIAL ASPECTS OF STATUTORY RECOGNIZANCES
CONSIDERED IN THE YEAR BOOKS.

Account	Livery	Writings ⁴
Aid	Mainprise	Writs :
Clergy	Novel disseisin	Account
Collusion	Outlawry	<i>Adeo tarde venit</i>
Conspiracy	Petition ¹	<i>Alias</i>
Debt	Priority	<i>Capias</i>
Default	Prison ²	<i>Certiorari</i>
Dower	Protection	<i>Distringas</i>
Duress	Recognizance	<i>Fieri facias</i>
Executors	Redisseisin	<i>Monstravit</i>
Extent	Seal	<i>Scire facias</i>
Forgery	Sheriff's return ³	<i>Supersedeas</i>
Indenture	Submission	<i>Testatum est</i>
Infancy	Tender	<i>Venire facias</i> , etc.
Lands in two counties	Ter-tenant	

¹ To Chancery or King, etc.

² Fleet, King's Bench, Newgate, local.

³ Aid, amercement, etc.

⁴ Writing obligatory, letter obligatory, recognizance, 'statute,' charter, bond, defeasance, etc.

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(2) Table showing the respective dates of making and discharging or certifying and enforcing a recognizance, temp. Edward IV, 1468-1481.

(3) Analysis of recognizances made in the form of Statutes Merchant and Statutes Staple and certified to the Chancery as being in default, 1301-1328.

(4) Table showing the distribution of Statute Merchant and Statute Staple certificates at various dates, 1284-1440.

(5) Table showing the distribution of the cases in a Chancery File, indorsed for execution, 1327.

(6) Table giving descriptions of the parties in Westminster Statute Staple certificates of the reign of Henry VII.

(7) Extract from a recognizance roll of the city of London, 1290-1291.

(8) Summary description of the parties in a roll of London Statute Merchant certificates, 1291.

(9) Composition of the Coventry Statute Merchant Roll, 15 Richard II-3 Henry V (1391-1415).

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4. *re Aaron Isaacson, The King v. Miles Hachar (Exchequer of the Jews).* Pro-
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¹ For illustrative documents relating to the following pleas of the Jews (Nos. 1-6),
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26. Debt : clergy.
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¹ See above, pp. 97-104.

² Cf. above, p. 144 sq., and Baldwin, *op. cit.* (pp. 202, 205).

NOTE ON THE ABBREVIATIONS.

The following abbreviations have been occasionally used in references to Records in this volume, and these are commonly used in the official lists and record publications:

K.B. (King's Bench); C.P. (Common Pleas); E. (Exchequer); C.L.P. (Chancery Common Law Pleadings); P.B.O. (Chancery Petty Bag Office); K.R. (Exchequer King's Remembrancer); T.R. (Exchequer Treasury of Receipt); A.Q.D. (Inquisitions *Ad quod dampnum*); L.C. (Lord Chamberlain's Records). Initial letters are also used (as elsewhere) for the Law Terms and other dates, Year Books, Learned Societies, Royal Commissions, and standard works of reference.

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 - Palatinate of Chester, Recognizance Rolls

¹ This list is not intended as an exhaustive or even as an adequate collection, but merely to indicate the titles of some works that have been used by the editor and to suggest the usefulness of cognate sources or literature. See Introduction (p. 6).

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